

LESSONS FROM THE LAX SHOOTING

HEARING
BEFORE THE
SUBCOMMITTEE ON
TRANSPORTATION SECURITY
OF THE
COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRTEENTH CONGRESS
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LESSONS FROM THE LAX SHOOTING: PREPARING FOR AND RESPONDING TO EMERGENCIES AT AIRPORTS

Friday, March 28, 2014

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON TRANSPORTATION SECURITY,
COMMITTEE ON HOMELAND SECURITY,
Los Angeles, CA.

The subcommittee met, pursuant to call, at 1:04 p.m., at the Los Angeles Airport, Clifton A. Moore Administration Building, Samuel Greenberg Board Room, 1 World Way, Los Angeles, California, Hon. Richard Hudson [Chairman of the subcommittee] presiding.

Present: Representatives Hudson, McCaul, Jackson Lee, and Thompson.

Also Present: Representatives Waters and Brownley.

Mr. HUDSON. The subcommittee is meeting today to examine the Transportation Security Administration's preparation for and response to emergencies at airports. Before we begin, I want to welcome all the witnesses and extend my thanks for participating in today's hearing. I appreciate the effort taken on behalf of those involved to have this important field hearing.

This is an official Congressional hearing as opposed to a town hall meeting, and as such we must abide by certain rules of the Committee on Homeland Security and of the House of Representatives. I kindly wish to remind our guests today that demonstrations from the audience, including applause and verbal outbursts, as well as the use of signs or placards are a violation of the rules of the House of Representatives. Also, photography and cameras are limited to accredited press only. It is important that we respect the decorum and rules of the committee.

I now recognize myself for an opening statement.

I would like to thank our witnesses for their participation in this hearing and their commitment to aviation security. I also want to acknowledge the sacrifice of TSA Officer Hernandez, who lost his life here on November 1, 2013. It is my sincere hope that this hearing not only reminds us of the horrible events of that day, but also motivates us to make changes that will improve our ability to detect and deter potential threats and respond to future emergencies. I believe we owe it to Mr. Hernandez and all those impacted by the shooting to examine the facts and shed light on the details and the time line of this incident in an open setting. That alone is the purpose of today's hearing.

The shooting that occurred here at LAX exposed significant weaknesses in the ability of Federal and local personnel to communicate and coordinate during an emergency, weaknesses that I expect that exist in other airports across the country. Perhaps these weaknesses stem from resource constraints, or clashes between agencies, or a belief that an incident like this is unlikely. It is certainly easier to push emergency planning and exercises off to sometime in the distant future rather than making them a top priority for today when you have so many other competing demands for time and resources. Having said that, I think most of my colleagues will agree that 13 years after 9/11, these types of flaws cannot be tolerated regardless of the reasons. Based on the reports completed by the Los Angeles World Airports and TSA, it appears there is widespread agreement on this.

According to Los Angeles World Airports, the response and recovery efforts that followed the November 1 shooting lasted roughly 30 hours. The shooting affected over 1,500 flights and 171,000 passengers. Among the findings in its report, LAWA highlighted significant coordination and communication challenges among local first responders. I agree with LAWA's assertion that airport security needs to become more risk-based, emergency communications need to be more streamlined, and there must be a unified incident command set up immediately after an event like this.

While the report provided details on certain aspects of the response, LAWA's report conspicuously excludes any mention of where the two officers assigned to Terminal 3 were at the time the first shots rang out and what impact, if any, this may or may not have had. I believe the location of these officers is crucial to understanding the viability of a flexible response to screen checkpoints, especially when you combine it with the lack of interoperable radio communications that we know exists. If we do not have law enforcement officers stationed at heavily-trafficked screening checkpoints or ticket counters, we should at least have confidence that we know exactly when the first officers will be there to respond to an active shooter or to an emergency. I look forward to discussing this issue in greater detail today.

In addition to LAWA's report, we have had the benefit of reviewing TSA's recent report, which highlights several recommended actions, including mandatory active-shooter training for screeners, improved communication systems, and enhanced law enforcement presence at checkpoints and ticket counters during peak travel times. The bottom line is TSA cannot do it alone. It must rely on its local law enforcement partners in an event like this.

Before I conclude my remarks, I would like to remind Members that we are on a very tight schedule here today with folks flying out at various times this afternoon. So I will be enforcing the 5-minute rule for all Members so that we are hopefully able to get through two full rounds of questions. My intention is to hold a second hearing in Washington to follow up on this hearing to look more broadly at what lessons we can learn once we put the facts on the record here today and how they can be applied to airports Nation-wide. I welcome all Members to attend that hearing as well.

[The statement of Chairman Hudson follows:]

STATEMENT OF CHAIRMAN RICHARD HUDSON

MARCH 28, 2014

I would like to thank our witnesses for their participation in this hearing, and their commitment to aviation security.

I also want to acknowledge the sacrifice of TSA Officer Hernandez who lost his life here on November 1, 2013. It is my sincere hope that this hearing not only reminds us of the horrible events of that day but also motivates us to make changes that will improve our ability to detect and deter potential threats, and respond to future emergencies. I believe we owe it to Mr. Hernandez and all of those impacted by the shooting to examine the facts and shed light on the details and time line of this incident in an open setting. That alone is the purpose of today's hearing.

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Before I conclude my remarks, I would like to remind Members that we are on a tight schedule, with folks flying out at varying times this afternoon. I will be enforcing the 5-minute rule for all Members so that hopefully we are able to get through two full rounds of questioning.

My intention is to hold a second hearing in Washington to look more broadly at how the lessons we discuss here today can or cannot be applied to airports Nationwide, and I welcome all Members to attend that hearing as well.

Mr. HUDSON. I now recognize the Ranking Member of the full committee, Mr. Thompson, for any statement he may have.

Mr. THOMPSON. Thank you, Mr. Chairman, and thank you for holding this important field hearing today. At the outset, I would like to acknowledge executive director Lindsey and Chief Gannon of the Los Angeles World Airports for their hospitality. Your willingness to aid the committee in its oversight by hosting the hearing and accommodating our Members' request to tour the site of this tragic shooting of November 1, 2013 is appreciated.

To Administrator Pistole, thank you for appearing before the subcommittee to discuss TSA's findings in the wake of the shooting and planned reforms to mitigate any similar incident in the future. We place the security of our aviation sector in the hands of the men and women of the Transportation Security Administration every day. Those on the front lines, the transportation security officers, deserve to know that we are doing everything within our power to see that they themselves are secure when performing the critical job of screening passengers. I am pleased that the national president of the American Federation of Government Employees, J. David Cox, is appearing before the subcommittee today to give voice to the transportation security officer workforce.

As has been well documented, on November 1, 2013, an armed gunman entered Terminal 3 of Los Angeles International Airport and opened first on Transportation Security Officer Hernandez. The gunman then proceeded through the terminal targeting other TSA employees, shooting and injuring Transportation Security Officers Grigsby and Speer. Thanks to the bravery of the police officers on duty, the gunman was ultimately taken down and prevented from causing further harm.

While some may wish to point fingers and assign blame for this horrific incident, I believe doing so would be counterproductive. All of our energies should be directed toward not only learning from the incident, but also implementing needed reforms. Frequently we speak of lessons learned from a tragedy, but fail to implement the reforms necessary to prevent those lessons from having to be learned again.

For instance, after 9/11 we identified that communication between and amongst first responders was an area that needed major reforms. Despite knowing this and having spent \$13 billion to correct the problem, a review of the report the airport released last week reveals that more than a decade after 9/11, the police and fire department at this critical airport could not communicate effectively during an emergency. The tools Transportation Security Officers have been trained on in the event of an emergency did not work.

The state of affairs is unacceptable. Our police, firefighters, Transportation Security Officers, and emergency medical personnel, along with the American public, deserve better. Had the shooter at LAX on November 1 been intent on firing upon passengers rather than targeting TSA personnel, untold lives could have been lost. In addition to the communication issue, I have concerns regarding the training Transportation Security Officers receive for active-shooter scenarios. I look forward to hearing from Administrator Pistole on how he intends to ensure all TSOs are trained to respond to an active-shooter scenario in a manner relevant to their work environment.

Before yielding back, Mr. Chairman, I would like to acknowledge Representative Waters, who represents the district the airport is in, and Representative Brownley, for their participation in the hearing today. I also, Mr. Chairman, ask unanimous consent that Representative Waters and Brownley be allowed to sit and question the witnesses at the hearing today. With that, Mr. Chairman, I yield back the balance of my time.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

MARCH 28, 2014

At the outset, I would like acknowledge executive director Lindsey and Chief Gannon of Los Angeles World Airports for their hospitality.

Your willingness to aid the committee in its oversight by hosting the hearing and accommodating our Members' request to tour the site of the tragic shooting of November 1, 2013, is appreciated.

To Administrator Pistole, thank you for appearing before the subcommittee to discuss TSA's findings in the wake of the shooting and planned reforms to mitigate any similar incident in the future.

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Frequently, we speak of the lessons learned from a tragedy, but fail to implement the reforms necessary to prevent those lessons from having to be learned again.

For instance, after 9/11 we identified that communications between and amongst first responders was an area in need of major reforms.

Despite knowing this, and having spent \$13 billion to correct the problem, a review of the report the airport released last week reveals that, more than a decade after 9/11, the police and fire departments at this critical airport could not communicate effectively during an emergency.

The tools Transportation Security Officers have been trained to use in the event of an emergency did not work.

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I look forward to hearing from Administrator Pistole on how he intends to ensure all TSOs are trained to respond to an active-shooter scenario in a manner relevant to their work environment.

Mr. HUDSON. I thank the gentleman, and without objection, we welcome Ms. Waters and Ms. Brownley.

At this time, the Chairman now recognizes the Chairman of the full committee, the gentleman from Texas, Mr. McCaul, for any statement he may have.

Chairman McCAUL. Thank you, Chairman Hudson. I would like to first offer my sincere condolences to Officer Hernandez's wife, Ana, who we met with briefly before this hearing. I also want to recognize the TSA Officers Grigsby and Speer. From what I have seen, you are true heroes what you did that day, and we appreciate your service.

I want to thank the Chairman for his leadership on this issue. I also want to thank the Los Angeles World Airport for hosting us and Chief Gannon who gave us a tour of the terminal this morning. John Pistole, TSA, and Ms. Lindsey, thank you for hosting us and giving us the briefings this morning. They were very informative and very insightful.

It is critical that agencies responsible for protecting our airports are doing all that they can to keep passengers and employees safe. I believe this hearing is an important opportunity to examine lessons learned from the shooting, what went well and what did not, and how we should apply those lessons learned to other airports as we move forward.

Unfortunately, we live in a very dangerous world. Events like the one that happened here are difficult, if not impossible, to prevent. But what we can do is improve our ability to detect the threats before someone starts shooting, or detonates a bomb, or hops a fence, or takes advantage of any security loophole or vulnerability that we have failed to close for one reason or another. As Chairman of the Committee on Homeland Security, I know how committed our law enforcement officers are and our Transportation Security Officers are day in and day out to stay ahead of any potential threat.

Yet the tragedy that the world watched unfold at this airport could very likely happen again at another airport in the future, so we need to be prepared for that wherever and whenever it may happen. There are valuable lessons to be learned here today by this incident, but first we need to dissect exactly what happened.

Among the shortcomings in the response to the shooting, we know that all relevant agencies did not join together in the unified command structure until 45 minutes after the shooting occurred. Even then the Los Angeles Fire Department did not join the unified command. This, along with a lack of, in some cases, interoperable communications, made the job of executing an effective response more difficult.

What is perhaps most concerning about the problems identified after the incident is that if the gunman had been shooting randomly rather than targeting TSA, we would have seen much greater loss of life. Dozens if not hundreds of people could have been killed within the 4½ minutes it took officers to detain the gunman.

Also on the day of the shooting, airport police were operating vehicle checkpoints and stopping certain vehicles to check for anything suspicious. Yet as the airport's report points out, it is possible the shooter actually went through one of these checkpoints and the officers were not able to detect or deter him.

There is no such thing as 100 percent security, but this situation reminds us that we cannot become complacent. We need to constantly stay ahead of potential threats with proven tactics and techniques. There are some parallels to what happened at the Washington Navy Yard just a month before this incident occurred.

But I do want to close on a very positive note. I think what we saw today with Ms. Lindsey, and Chief Gannon, and John Pistole, not only prior to the shooting, but what was done at the time of the shooting to stop the shooter, to stop more bloodshed. The heroes that day, as I pointed out, are TSO Officers, and, Chief, the great work that you did. I must say I walked away very impressed

with how this incident was handled by all the relevant agencies, but also the way they have looked in a self-critical way to examine what can be done better. I think that is what it is all about, how can we do a better job so we can prevent this from happening again.

I must say I am very, very proud of the Los Angeles airport police, Ms. Lindsey, your efforts with the airport, and, Mr. Pistole, what you've done with TSA to make this place a safer airport. With that, Mr. Chairman, I yield back.

[The statement of Chairman McCaul follows:]

STATEMENT OF CHAIRMAN MICHAEL T. McCAUL

MARCH 28, 2014

Thank you, Chairman Hudson. I would like to offer my sincere condolences to Mr. Hernandez's wife, Ana, as well as TSA Officers Grigsby and Speer, who are all here with us today, and all the victims of the shooting.

I want to commend you, Mr. Chairman, for your leadership of this subcommittee and for ensuring that we never forget what happened at this extremely busy airport on November 1, 2013. I would also like to thank Los Angeles World Airports for hosting us, and welcome all of our witnesses.

It is critical that the agencies responsible for protecting our airports are doing all that they can to keep passengers and employees safe. I believe this hearing is an important opportunity to examine lessons learned from the shooting, what went well and what didn't, and how we should apply those lessons to other airports as we move forward.

We live in a very dangerous world. Unfortunately, events like the one that happened here are difficult, if not impossible, to prevent. But what we can do is improve our ability to detect the threats before someone starts shooting, or detonates a bomb, or hops a fence, or takes advantage of any security loophole or vulnerability that we have failed to close for one reason or another.

As Chairman of the Committee on Homeland Security, I know how committed our law enforcement officers are, day in and day out, to staying ahead of any potential threat. And yet, the tragedy that the world watched unfold at this airport could very likely happen again at another airport in the future. So we need to be prepared for that, wherever and whenever it may happen. There are valuable lessons to be learned by the incident that occurred here, but first we need to dissect exactly what happened.

Among the shortcomings in the response to the shooting, we know that all relevant agencies did not join together in a Unified Command structure until 45 minutes after the shooting occurred. Even then, the Los Angeles Fire Department did not join the Unified Command. This mistake, along with a lack of interoperable communications, made the job of executing an effective response much more difficult.

What is perhaps most concerning about the problems identified after the incident is that if the gunman had been shooting randomly, rather than targeting TSA, we would have seen a much greater loss of life; dozens if not hundreds of people could have been killed within the 4½ minutes it took officers to detain the gunman.

Also, on the day of the shooting, airport police were operating vehicle checkpoints and stopping certain vehicles to check for anything suspicious. Yet, as the airport's report points out, it is possible the shooter actually went through one of the vehicle checkpoints and officers did not deter or detect him before he entered Terminal 3 with an assault rifle and began firing.

There is no such thing as 100% security, but this situation reminds us that we cannot become complacent, and we need to constantly stay ahead of potential threats with proven tactics and techniques. There are some parallels to what happened at the Washington Navy Yard just a month-and-a-half before this incident occurred, including that the Navy Yard shooter was able to get through a vehicle checkpoint undeterred and undetected.

I look forward to examining the results of the reviews conducted by the airport operator and TSA Administrator Pistole. I believe we can draw lessons from this tragedy that can help strengthen our emergency response capabilities at airports Nation-wide.

Mr. HUDSON. I thank the gentleman. The Chairman now recognizes the gentlewoman from Texas, Ms. Jackson Lee, for any statement she may have.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. Might I add my appreciation to you, Mr. Richmond, and also to the Chairman and Ranking Member of the full Committee on Homeland Security. I also want to acknowledge my colleagues, Congresswoman Waters, who has with great honor served this community and shown great compassion for these issues, and to congratulate Congresswoman Brownley for her leadership on very important legislation that I hope will be passed and that the President will sign.

I thank all of you for coming to this hearing, and particularly the witnesses: Mr. Pistole for his service to this Nation, Ms. Lindsey for your guidance of this great airport, and along with your colleague, Chief Gannon, who eloquently presented the case today of November 2013. Mr. Cox, thank you so very much for standing very strong and tall for first responders in the name of TSO Officers.

Today we will learn what we can to prevent or to mitigate a similar incident in the future. At the onset, I would like to acknowledge that the Ranking Member of the subcommittee, our friend and colleague, Mr. Richmond of Louisiana, could not attend the hearing today, although he wanted to very much. He has requested that I express his regret, which I will do, and asked that I sit in his place during the hearing today. At this time, I ask unanimous consent that Ranking Member Richmond's prepared statement be inserted in the record.

Mr. HUDSON. Without objection, so ordered.

[The statement of Ranking Member Richmond follows:]

STATEMENT OF RANKING MEMBER CEDRIC L. RICHMOND

MARCH 28, 2014

I would like to acknowledge Administrator Pistole for his service and leadership in the wake of the tragic shooting at Los Angeles International Airport on November 1, 2013. I would also like to thank Los Angeles World Airports for hosting the subcommittee, so that we may gain a greater insight into precisely what happened on that tragic day.

Los Angeles World Airports should be commended for conducting a thorough and thoughtful review of the shooting.

The report released last week uncovered several flaws as well as viable solutions that can be implemented to ensure that similar future events are mitigated or deterred altogether. It is my hope and expectation that other airports around the Nation will review the report and learn from it.

Having said that, Los Angeles World Airports cannot implement all of the reforms necessary without assistance from local and Federal partners such as the Los Angeles Police Department, Los Angeles Fire Department, and the Transportation Security Administration.

Undoubtedly, Federal funds and resources will be required to ensure all of the needed reforms are implemented. That places the onus on Congress to provide the funding needed to make planned reforms a reality.

I would like to thank national president Cox for testifying before the subcommittee today. He brings the vital element of the perspective of Transportation Security Officers, the front-line workforce in the fight to protect our aviation system and those targeted by the shooter last November.

To Gerardo Hernandez's wife and family, please accept our sincerest condolences on your loss. Officer Hernandez was the first TSA employee to be killed in the line of duty. His service and sacrifice will not be forgotten. To the other Transportation Security Officers injured during the shooting, Mr. Grigsby and Mr. Speer, we thank you for your bravery and continued service to our Nation.

Transportation Security Officers across the country perform the often thankless task of screening 1.8 million passengers every day. All too often, they are the target of unwarranted criticism by both Members of Congress and the media. Much of the criticism arises from these dedicated public servants simply following the mandated standard operating procedures handed down from headquarters. I would encourage all of us to keep that in mind the next time we travel through an airport.

Ms. JACKSON LEE. Again, I thank all of the witnesses for appearing before the subcommittee today. A special thanks, as I already said, to Executive Director Lindsey and Chief Gannon for hosting us, and again to Administrator Pistole and national president Cox, our friend and a friend to working men and women, for traveling to appear before this subcommittee.

Today we have the honor and privilege of having Officer Hernandez's wife present with us today. As we chatted about her wonderful children, I thought it was important to acknowledge all of the TSO Officers, including Mr. Grigsby and Mr. Speer. Let it be very clear that you serve in this Nation's defense, and that TSO Officers across America are first responders, and they are serving to protect our National security. Mrs. Hernandez, as I said, your husband fell in the line of duty serving his Nation, and we are grateful to all of you for your sacrifice and your willingness to sacrifice, saddened that it has occurred, but we thank you for your presence here today.

Today's hearing focuses on an issue that I have closely observed during my time in Congress and as a Member of the Homeland Security Committee; that is, the safety and security of our aviation system and airports. For years I served as either the Chair or Ranking Member of this subcommittee and worked to enhance aviation security and the security of our critical infrastructure. Indeed, I was the principal author of the last Transportation Security Administration Authorization Act to pass the House of Representatives, and I would hope that we would soon have an opportunity to look at that again for the many changes that we may need to include.

Understanding the importance of training for Transportation Security Officers, that legislation contained a section focused on the establishment of a centralized training facility for the workforce. I look forward to hearing from Administrator Pistole today on how he intends to train the entire Transportation Security Officer workforce on active-shooter scenarios in a setting resembling their workplace environment, a crucial element to the many TSO Officers across America.

Today's hearing also focuses on a topic of great interest to me in light of a similar incident having occurred, as I mentioned earlier today, in Houston, Texas. Last May, a man entered Houston-Bush Intercontinental Airport, sat in the departure area for over an hour without being confronted, and subsequently fired shots into the ceiling near a ticketing area. Thankfully no passengers or airport personnel were injured in that incident. The shooter ultimately took his own life. As an additional point, it was a TSO Officer that first acknowledged or thought that there was something suspicious about this individual. Ultimately, this TSO Officer confronted the individual, and the Department of Homeland Security law enforcement agent came out from another direction and was part of the

overcoming of the individual, even though he had begun to look as if he was going to take his own life.

Taken together, the shootings at LAX and Houston-Bush Intercontinental Airport show that airports are target-rich environments as unfortunate as that may seem, whether it is the airplane, whether it is the area where passengers are, or whether or not it is in the open space and secure areas that TSO Officers are manning. Knowing that, it is incumbent upon us to implement recommendations and modify policies where appropriate that will make the airport environment more secure for passengers, airport personnel, and Transportation Security Officers. Undoubtedly, doing so will require resources and support from State, local, and Federal authorities.

When an incident occurs that prompts a response from multiple law enforcement agencies, our communications systems are only as good as their weakest link. Our challenge today is to make the weakest link as strong as possible. It does no good for Los Angeles World Airports to invest in new radios and communications systems if the surrounding jurisdictions fail to do so.

Mr. Chairman, I look forward to listening to the testimony, and I will submit the rest of my statement into the record.

[The statement of Hon. Jackson Lee follows:]

STATEMENT OF HON. SHEILA JACKSON LEE

MARCH 28, 2014

Thank you, Mr. Chairman, and thank you for convening this important hearing to discuss the tragic shooting at Los Angeles International Airport that occurred on November 1, 2013.

Today, we will learn what can be done to prevent or mitigate a similar incident in the future. At the outset, I would like to acknowledge that the Ranking Member of the subcommittee, Mr. Richmond of Louisiana, could not attend the hearing today. He has requested that I express his regret for his absence and asked that I sit in his place during the hearing today.

At this time, I ask unanimous consent that Ranking Member Richmond's prepared statement be inserted in the record.

Thank you to all of the witnesses appearing before the subcommittee today. A special thanks to Executive Director Lindsay and Chief Gannon for hosting us and to Administrator Pistole and national president Cox for traveling to appear before the subcommittee.

To the victims of the shooting, including Officer Hernandez's wife and family, I thank you for your sacrifice and service.

Today's hearing focuses on an issue I have closely observed during my time in Congress. That is, the safety and security of our aviation system and airports.

For years, I served as either the Chair or Ranking Member of this subcommittee and worked to enhance aviation security and the security of our critical infrastructure. Indeed, I was the principal author of the last Transportation Security Administration Authorization Act to pass the House of Representatives. Understanding the importance of training for Transportation Security Officers, that legislation contained a section focused on the establishment of a centralized training facility for the workforce.

I look forward to hearing from Administrator Pistole today on how he intends to train the entire Transportation Security Officer workforce on active-shooter scenarios in a setting resembling their workplace environment.

Today's hearing also focuses on a topic of great interest to me in light of a similar incident having occurred in Houston. Last May, a man entered Houston Bush Intercontinental Airport, sat in the departure area for over an hour without being confronted and subsequently fired gunshots into the ceiling near a ticketing area. Thankfully, no passengers or airport personnel were injured in that incident. The shooter ultimately took his own life when confronted by a Department of Homeland Security law enforcement agent.

Taken together, the shootings at LAX and Houston Bush Intercontinental Airport show that airports are target-rich environments, as unfortunate as that may be.

Knowing that, it is incumbent upon us to implement recommendations and modify policies where appropriate that will make the airport environment more secure for passengers, airport personnel, and Transportation Security Officers. Undoubtedly, doing so will require resources and support from State, local, and Federal authorities. When an incident occurs that prompts a response from multiple law enforcement agencies, our communications systems are only as good as their weakest link.

Our challenge is making the weakest link as strong as possible. It does no good for Los Angeles World Airports to invest millions in new radios and communications systems if the surrounding jurisdictions fail to do so.

I look forward to hearing from Executive Director Lindsey and Chief Gannon on how the airport intends to address the communications challenges outlined in the report the airport released last week.

Transportation Security Officers work diligently, screening some 1.8 million passengers per day, in furtherance of keeping our aviation system secure.

They deserve to know that when they pick up an emergency phone line, it will work. They deserve to know that the panic button they have been instructed to press when an incident occurs will work and prompt a response from local law enforcement. And they deserve to know that they have our strong support and will work tirelessly to ensure they have the training and resources needed to perform their job effectively.

I look forward to hearing from national president Cox on what we can do for Transportation Security Officers to make them more effective and secure.

With that Mr. Chairman, I yield back the balance of my time.

Mr. HUDSON. I thank the gentlelady. Other Members are reminded that you may submit written statements for the record.

We are pleased now to introduce our distinguished panel of witnesses here with us today. First, we have the Honorable John Pistole, who has been the administrator of the Transportation Security Administration of the Department of Homeland Security since 2010. As TSA administrator, he oversees and manages approximately 60,000 employees, the security operations of more than 450 Federalized airports throughout the United States, the Federal Air Marshal Service, and the security for highways, railroads, mass transit systems, and pipelines.

Ms. Gina Marie Lindsey was appointed executive director of Los Angeles World Airport in June 2007. She has over 20 years' experience in airport management. Ms. Lindsey briefly served as managing director for the Seattle-Tacoma International Airport and director of aviation for Anchorage International Airport. We thank you for hosting us here today.

Next, Mr. Patrick Gannon was appointed to the position of chief of airport police for Los Angeles World Airport in November 2012. As chief of airport police, Mr. Gannon leads over 1,100 police officers, security officers, and civilian staff protecting LAX and other nearby airports, and ensures compliance with TSA mandates, airport rules and regulations, and international, Federal, State, and local laws. Chief Gannon retired from the Los Angeles Police Department in 2012 after 34 years of service.

Finally, J. David Cox is the national president of the American Federation of Government Employees, the largest Federal employee union representing 650,000 Federal and D.C. Government workers Nation-wide and overseas. I would also point out significantly that Mr. Cox is from the 8th District of North Carolina, from Kannapolis originally, so he is my constituent. So I always want to make note of that.

I thank all the witnesses for being here today. The witnesses' full written statements will appear in the record. The Chairman recognizes Administrator Pistole to testify first.

**STATEMENT OF HON. JOHN S. PISTOLE, ADMINISTRATOR,
TRANSPORTATION SECURITY ADMINISTRATION, ARLING-
TON, VIRGINIA**

Mr. PISTOLE. Well, thank you, Chairman Hudson and Chairman McCaul, Ranking Member Thompson, Ranking Member Jackson Lee, Congresswomen Waters and Brownley, for holding this field hearing today on this important topic. I appreciate the opportunity to appear before you with these other distinguished witnesses.

The events of November 1 demonstrated the bravery of our front-line workforce as well as their commitment to TSA's mission of protecting that Nation's transportation system. In the immediate aftermath of the incident, TSA took a number of actions which I would like to outline in my oral statement, including assembling a crisis action team to advise me and to ensure communication and engagement with the workforce and stakeholders regarding the event.

I called for a comprehensive review of TSA policies, procedures, and training to identify improvements to the safety and security for TSA employees, and, by extension, the traveling public after meeting with the family of Officer Hernandez. Thank you for recognizing Ana and for recognizing Officers Grigsby and Speer. The day after the shooting I met with them.

I then had our senior leadership team to take the following steps. First, we communicated with our workforce with what we knew and then with frequent updates. Second, I convened a meeting of external stakeholders where I requested inputs for actions the agency could take or consider to improve officer safety and security. Third, I directed an internal team to assess options and to make recommendations. Fourth, I redirected a number of our visible intermodal protection and response, or VIPR, teams from their surface transportation missions to LAX and other high-profile airports to serve as a deterrent to a shooter.

From these reviews and assessments, we received hundreds of ideas and have implemented over a dozen of them. Now, employees from all levels of TSA contributed ideas through what we call our Idea Factory and in over 100 town halls that I and other senior leadership team members have convened. We continue to welcome stakeholder and workforce feedback as we remain engaged in advancing further recommendations.

In that regard, I want to recognize the immediate and on-going engagement our senior leadership team here at LAX, headed by Federal Security Director Darby LaJoye and his team, has had with our over 2,100 employees here at LAX, obviously the largest contingent of TSA employees of any airport in the country. Thank every TSA employee, particularly here at LAX in Terminal 3, for their resiliency and their dedication to the mission. I also want to thank LAWA, particularly Executive Director Gina Marie Lindsey, and to the LAWA police and Chief Pat Gannon for their strong partnership prior to November 1 and since that day.

The LAX shooting raised a number of issues about the training we provide to our TSA employees, and while they have received a number of types of training, active-shooter scenario training was not a primary focus. Since November 1, I have mandated all TSA employees receive this training. I am pleased to report that over 98 percent of our over 60,000 employees have completed this training.

In support of further efforts to reinforce emergency procedures, we have incorporated a reminder in our shift briefs regarding evacuation routes and rendezvous points identified in the local mitigation plan. As part of our review, we studied how officers notify law enforcement of an emergency most effectively and determined that we need to do two things: No. 1, regularly test existing alarms, and, No. 2, acquire and install many more alarms in airports around the country. Interoperability of communications between TSA and, in fact, most Federal agencies and State and local authorities continues to be a challenge Nation-wide, but some progress is being made.

We also directed Federal security directors to ensure all TSA-owned wireless devices are pre-programmed with their local emergency numbers and provide employees with their numbers to allow them to voluntarily program them into their personal devices. In addition, as a best practice, we are recommending airports link duress alarms and CCTV systems to ensure that when a duress alarm is received, a pre-determined set of CCTV views would be programmed to automatically focus on the location of the alarm.

After carefully studying the presence of law enforcement at checkpoints with extensive input from stakeholders, TSA is also taking the following actions, including incorporating maximum response times in their airport security programs and then recommending standards for an increased law enforcement presence at high airport locations, such as peak travel times at checkpoints and ticket counters to provide a visible deterrent and quicker response times.

In conclusion, the senseless shooting of Officer Hernandez and three others once again reminds us of the dangerous world in which we live. The shooting has served as a catalyst for TSA to assess its existing safety and security policies, technologies, and partnerships. We know there is no 100 percent guarantee in preventing terrorists and others from doing bad things, yet we believe based on the extensive input we have received, the actions I have outlined today provide a measured approach to mitigate risk without trying to eliminate it.

Thank you for the opportunity to testify today.

[The prepared statement of Mr. Pistole follows:]

PREPARED STATEMENT OF JOHN S. PISTOLE

MARCH 28, 2014

Good afternoon Chairman Hudson, Ranking Member Richmond, and other Members of the committee. I appreciate the opportunity to appear before you today.

On November 1, 2013, Gerardo Hernandez, a 39-year-old Transportation Security Officer (TSO), was shot and killed while stationed at a Los Angeles International Airport (LAX) Transportation Security Administration (TSA) checkpoint. Officer Hernandez had worked for TSA since 2010 and was a well-liked and respected employee. He leaves behind a wife and two children.

Behavior Detection Officer (BDO) Tony Grigsby, Security Training Instructor (STI) James Speer, and a passenger were also wounded in the shooting. Both BDO Grigsby and STI Speer stayed at the checkpoint to assist an elderly passenger, placing themselves in harm's way.

The events of November 1 demonstrated the bravery of our front-line workforce as well as their commitment to TSA's mission of protecting the Nation's transportation systems in order to ensure freedom of movement for people and commerce. The incident also highlighted the excellence of our security partners. We are thankful for the exceptional work of the Los Angeles World Airports Police Department, whose officers quickly responded to the scene and apprehended the alleged shooter. We are also thankful for our partners at the Federal Bureau of Investigation and the U.S. Attorney's Office, who continue to investigate and prosecute the crime, and for the continued support from this committee and others for Officer Hernandez's loved ones, his fellow officers at LAX, and our agency as a whole.

In the immediate aftermath of the incident, I took a number of actions, including assembling a crisis action team to advise me and to ensure appropriate communication with the work force regarding the event. We sent a situational report to all employees the day of the shooting advising them of the details known at the time. TSA increased the visibility of uniformed officers in and around checkpoints by deploying Visible Intermodal Prevention and Response (VIPR) teams to the aviation sector and by ensuring that State and local airport law enforcement agencies provided an enhanced deployment of uniformed officers in and around checkpoints.

I also called for a comprehensive review of TSA policies, procedures, and training to identify possible improvements to safety and security for TSA employees serving to protect the public at our Nation's airports. TSA convened a team of subject-matter experts from across the agency, and we engaged stakeholders and our workforce to elicit recommendations and feedback. I would like to summarize our stakeholder and workforce outreach, and then outline the results of the review in the following areas: (1) Training, communications, and employee support; (2) emergency response equipment and technology; and (3) law enforcement officer (LEO) presence at and response to checkpoints.

STAKEHOLDER AND WORKFORCE ENGAGEMENT

After meeting with the family of Officer Hernandez and our two wounded officers the day after the shooting, one of my first actions was to convene stakeholder meetings at TSA Headquarters on November 7, 2013 and January 8, 2014, which included representatives from law enforcement agencies and associations, labor groups and industry associations, and other Federal, State, and local agencies. At these meetings, I requested recommendations for actions the agency could take as well as initial feedback on various ideas under consideration. TSA afforded stakeholders an additional opportunity to provide feedback through written comments to be provided within 30 days of the second meeting. I considered these comments in my decision-making process and development of supplemental proposals.

I likewise sought the input of TSA employees, through both town hall meetings and the Idea Factory.¹ I have also communicated regularly with the workforce on the status of the security review via written and video messages as well as shift briefs, emphasizing that every possible effort to ensure officer safety is being considered and implemented, if feasible and appropriate, and encouraging workforce input. Employees from all levels of the organization contributed ideas, including Federal Security Directors (FSDs), TSOs, staff from Training and Coordination Centers, security inspectors, and Headquarters employees. The ideas generated by employees were presented to leadership and a number of them were endorsed. TSA continues to welcome stakeholder and workforce feedback as we remain engaged in advancing further recommendations.

TRAINING, COMMUNICATIONS, AND EMPLOYEE SUPPORT

The incident at LAX has raised concerns about the adequacy of training for TSA employees responding to an active-shooter scenario. Employees at TSA regularly receive an array of security and educational training activities. However, historically, active-shooting scenario training was not a primary focus, but was available to em-

¹ The Idea Factory is a web-based tool designed to enable innovation and collaboration within the agency by soliciting employee feedback on TSA policies. The Idea Factory has led to the implementation of more than 40 innovative ideas, including changes to Standard Operating Procedures and new initiatives that have improved job satisfaction, increased retention, and improved the quality of work life. To date, there are almost 9,000 ideas on the site and more than 25,000 employees have visited the site.

ployees through two optional on-line courses. As recommended through the Idea Factory, TSA mandated this training on December 19, 2013, with a required completion date for all employees of March 31, 2014.

Industry stakeholders further emphasized the importance of active-shooter training and exercises through feedback provided at the stakeholder meetings. In addition to the training course, TSA has mandated active-shooter exercises for all TSA employees on at least an annual basis. As a further enhancement, TSA established a working group to develop a facilitator guide that will assist field Assistant FSDs for Law Enforcement in providing best practices and templates for local airport active-shooter exercises.

Feedback from law enforcement and industry stakeholders also emphasized the importance of training and preparation to minimize casualties and help direct law enforcement to the active shooter.

TSA requires each airport to develop and implement an active-shooter tactical response plan consistent with our National standard, which includes the designation of possible evacuation routes and establishment of rendezvous points. Following the shooting, we conducted a review of Active Shooter Mitigation Plans to ensure that all airports have active-shooter plans in place and that such plans are in compliance with a National model. We also swiftly reviewed the LAX plan and confirmed compliance with the National format.

Based on feedback from law enforcement and industry stakeholders, TSA is recommending that airport operators conduct active-shooter training and exercises on a bi-annual basis to minimize casualties and help direct law enforcement to the active shooter.² TSA also issued an Operations Directive requiring that all FSDs conduct mandatory evacuation drills twice a year. This Directive supplements the information shared by shift supervisors regarding evacuation procedures and ensures employees are trained on the active-shooter plan in place at their local airport.

In support of further efforts to reinforce emergency procedures, we have incorporated a reminder in our weekly shift brief requiring supervisors to conduct briefings for employees regarding the evacuation routes and rendezvous points identified in the local mitigation plan. As such, supervisors brief all personnel at the beginning of each shift regarding the evacuation plan, emergency exits, and alarm protocol for their particular location.

Finally, TSA is exploring options to provide the family of TSO Hernandez with additional benefits.

EMERGENCY RESPONSE EQUIPMENT AND TECHNOLOGY

As part of our review, TSA studied how officers can notify law enforcement of an emergency at a checkpoint most effectively.³ The security review determined that technological improvements to alert notification systems are needed in many airports to ensure that duress alarms are present at all screening locations, including at terminal lobbies. TSA conducted a survey of screening and other locations including X-ray lanes, private screening rooms, supervisor podiums, Known Crew Member lanes, exit lanes, and Explosive Detection System baggage screening areas in non-sterile spaces, which showed that several of these locations do not have alert notification capability.

To close the gap identified by the survey, I approved the acquisition of additional alert notification capacity. TSA has begun the process of acquiring duress alarms for all airports. In addition, we will solicit and award delivery orders to a third-party systems integrator for the installation of duress alarms at all remaining airports, which will begin shortly after we award the contract.

Although not all airports have extensive alert notification capabilities, for those airports that do, we conducted a survey of all existing duress alarms to determine if they were fully functional. Ninety-eight percent of the alarms were deemed fully functional, and we took corrective action to fix the remaining alarms. We then issued an Operations Directive requiring TSA employees to conduct a weekly test in coordination with airports to verify all alert notification systems are fully functional.

We have also adopted guidance for FSDs to ensure all TSA-owned wireless devices are programmed with local airport emergency numbers and to provide employees with those numbers to allow them to voluntarily program them into personal devices. This guidance is in direct response to learning that calls made to 9-1-1 at airports in the event of an emergency may not be routed to the on-site police department.

² LAX had recently conducted an active-shooter exercise under their plan prior to the shooting.

³ The primary means for providing notification of an emergency is via duress alarms.

In addition, we are engaging airports to encourage linkage between duress alarms and closed-circuit television (CCTV) systems to ensure that when a duress alarm is received, a predetermined set of CCTV views would be programmed to automatically focus on the location of the alarm. Creating these linkages should greatly enhance the ability of the airport operator to have a real-time view of the area where a duress alarm is activated.

LAW ENFORCEMENT OFFICER PRESENCE AT AND RESPONSE TO CHECKPOINTS

After carefully studying the presence of law enforcement officers at checkpoints, TSA is taking the following actions, which reflect our intent to enhance the visibility of law enforcement while recognizing the financial burden that additional resource requirements would place upon our law enforcement partners, many of whom have faced budget cuts in recent years. We have valued the input of our workforce and the expertise of our stakeholders in determining an appropriate balance that enhances officer safety and security without mandating requirements that could affect our partners' ability to provide effective law enforcement throughout each airport.

First, we are requiring all airports to incorporate maximum response times in their Airport Security Programs (ASPs). TSA will work with airports to determine the most appropriate maximum response time for their ASP. TSA conducted a review of all ASPs and concluded that while most airports were operating under ASPs which specified a maximum response time to checkpoints, 71 airports operating under flexible response agreements did not have any required response time stated in their ASP. We also identified differences in maximum response times resulting from discretionary determinations of need made at the local level. Although we considered imposing standardized maximum response times by category, we recognize the importance of allowing discretion in these determinations and are therefore not currently pursuing standardized maximum response times. Nonetheless, ensuring that all airports adopt clearly articulated maximum response times in their ASP is a priority, and our FSDs are working with airports to update their ASPs where necessary. Once updates are complete, TSA will monitor and enforce compliance with the new policy. These changes will address the gap identified in the agency's review while allowing local airport security directors flexibility in working with their airport operators.

Second, I have directed TSA's VIPR teams to continue the surge in operations at passenger screening checkpoints to provide a visible deterrent in support of our TSOs. VIPR teams are authorized under statute to augment the security of any mode of transportation at any location within the United States and are typically composed of Federal, State, and local law enforcement and security assets and TSA personnel including Federal Air Marshals, Behavior Detection Officers, Transportation Security Officers, Transportation Security Specialists-Explosives, Transportation Security Inspectors, and TSA-certified explosives detection canine teams.⁴ In the immediate aftermath of the incident, we deployed additional VIPR teams to airport checkpoints, reflecting our flexibility to rapidly redirect and deploy VIPR capabilities in response to changes in the threat profile. To accomplish this surge, VIPR deployments have been evenly split between surface and aviation transportation modes from their previous allocation of 70 percent in surface modes and 30 percent in aviation. This VIPR deployment strategy has garnered support among the TSA workforce and we will continue this shift to enhance VIPR presence at airports, subject to adjustments based on intelligence or special requirements.

Lastly, TSA is issuing recommended standards for increased law enforcement presence at high-traffic airport locations such as peak travel times at checkpoints and ticket counters to provide visible deterrence and quicker incident response times. By implementing these standards, airports would retain some flexibility for law enforcement response while providing enhanced law enforcement presence during peak travel times. We are strongly encouraging airports to adopt these measures and will work with all airports toward implementation. All airport operators remain obligated to comply with existing ASP, statutory, and regulatory requirements to provide a law enforcement response adequate to ensure the safety of passengers. In situations where there is an imminent threat, law enforcement must therefore respond accordingly. TSA also advised airport operators that we will ensure our employees utilize duress alarms only when they perceive imminent danger, with the expectation that airport security personnel will respond accordingly.

⁴ See the *Implementing Recommendations of the 9/11 Commission Act of 2007*, Pub. L. 110-53.

CONCLUSION

The tragic shooting of Officer Hernandez and injuries suffered by two other TSA employees and a passenger on November 1, 2013, were an extraordinary shock to the TSA community and the public. It remains difficult to comprehend the sudden loss of a dedicated public servant who was simply doing his job in support of the agency's transportation security mission. The actions we have undertaken thus far are aimed at seeking to prevent, to the greatest extent possible, a recurrence of this tragedy, while recognizing that the next attack may take a different form. In the wake of the LAX incident, we were given an opportunity to identify a better way forward in partnership with industry and law enforcement stakeholders and continued engagement with the workforce. We remain committed to delivering meaningful improvements to officer safety and security and to working collaboratively with our partners in this effort. Thank you for the opportunity to testify today. I will be happy to answer your questions.

Mr. HUDSON. Thank you, Administrator Pistole.
The Chairman recognizes Chief Gannon now to testify.

STATEMENT OF PATRICK M. GANNON, CHIEF OF AIRPORT POLICE, LOS ANGELES WORLD AIRPORTS, LOS ANGELES, CALIFORNIA

Chief GANNON. Mr. Chairman, Ranking Member Thompson, and Members of the committee, welcome to Los Angeles International Airport. I am Patrick Gannon, deputy executive director at Los Angeles World Airport for Law Enforcement and Homeland Security and chief of the Los Angeles Airport Police. Airport police is the primary law enforcement agency for Los Angeles World Airport with a staff of 1,100, of which approximately 525 are sworn, approximately 400 are security officers, and the rest are professional support staff.

The Los Angeles Airport police is committed to on-going training. In fact, an active-shooting exercise was held 3 weeks prior to the November 1 shooting. During this 2-day training exercise, we trained over 350 airport police officers, Los Angeles police officers, and Los Angeles city firefighters to respond to an active shooter in an airport environment. We conducted this training in an old terminal at one of our airports. This training proved to be very helpful as we faced a gun-wielding man at Terminal 3.

As you know, on November 1, 2013, the alleged shooter, Paul Ciancia, entered Terminal 3 on the departure level near a ticket counter. He walked to a nearby queuing line at the foot of an escalator leading up to the security checkpoint and gate area. At the bottom of the escalator was a TSA podium staffed by TSA Officer Gerardo Hernandez.

At 9:20 a.m., Ciancia removed an assault rifle from his luggage and shot Officer Hernandez multiple times. He went up the escalator just a few steps, but then turned and came back down and shot Officer Hernandez once again. As the initial shots were fired, passengers ducked for cover. Within seconds, TSA Officers at the upper level checkpoint urged passengers to move away from where the shots were being fired. A number of TSA Officers acted heroically and put themselves in jeopardy to make sure passengers got out of the line of fire. I would like to specifically recognize TSA Officers Tony Grigsby and James Speer for their heroic and selfless actions as they put themselves in harm's way to protect passengers who were slow to exit the area.

Ten seconds after the first shots were fired, a call came into airport police dispatch. The call was made by a TSA supervisor who was forced to run from the area and was unable to provide information about the shooting. Shortly thereafter, an airline contract service employee who was near Officer Hernandez used his cellular telephone to call airport police. Within a minute or so, airport police had a full description of the shooter and responded as quickly as possible.

Following the initial shooting, Ciancia went up the escalator through the evacuated TSA screening area and into the terminal concourse apparently looking for other TSA Officers. Once again, he fired his assault-type weapon as people scurried for cover. This is approximately the point where he shot and wounded TSA Officers Grigsby and Speer and one additional passenger.

Airport police officers quickly converged on Terminal 3 from many different directions. As the officers arrived, they were directed towards Ciancia by a number of people in the terminal. The officers eventually confronted Ciancia in the terminal near gate 35 where an officer-involved shooting took place. Ciancia was stopped and taken into custody.

The shooting of Officer Hernandez took place at approximately 9:20 a.m. One minute and 22 seconds later, our airport police dispatch center broadcasted the “shots fired” call in Terminal 3. At 9:25 a.m., airport police officers reported that the suspect was down near gate 35. Four minutes and eight seconds elapsed from the time that the news of the shooting was broadcast by our dispatch center until the time our officers reported the shooter was down in the terminal and in custody.

There has been speculation that this event may have been prevented if an airport police officer was posted at the TSA screening checkpoint in Terminal 3. The facts are that a podium-based officer at the checkpoint would not have prevented this murder. Due to the layout of the checkpoint, the officer would not have been in a position to keep Ciancia from attacking Officer Hernandez. In certain circumstances I believe that a podium-based officer would be more vulnerable in a carefully-planned attack.

Law enforcement has made considerable changes in the way it responds to active-shooter incidents. At Columbine High School, it was 46 minutes before law enforcement was able to make entry into that school. To respond and neutralize Ciancia within 4 minutes and 8 seconds from the first call to when we had the shooter in custody, in my estimation, is remarkable. Even so, we continually look for ways to improve our response time. Even though we work each day to prevent violent acts at LAX, we can never guarantee that this will always happen. What we have learned from this incident is that when a violent attack occurs, speed and quickness, coupled with superior tactics, will be the key to saving lives.

Thank you very much.

[The joint prepared statement of Chief Gannon and Ms. Lindsey follows:]

JOINT PREPARED STATEMENT OF PATRICK GANNON AND GINA MARIE LINDSEY

MARCH 28, 2014

Mr. Chairman, Ranking Member Thompson, and Members of the committee, welcome to Los Angeles International Airport. We appreciate your commitment and concern that we all share in ensuring that this airport is as safe and secure as we can make it.

Los Angeles International Airport (LAX) is the largest origin and destination airport in the United States, serving 66.7 million passengers in its 9 passenger terminals. LAX has 95 passenger and cargo airlines that conducted 615,000 aircraft operations in 2013. LAX accommodated 70,000 vehicle trips per day and has 54,000 badged employees.

November 1, 2013, was like any other busy Friday morning in Terminal 3 at LAX, until an act of violence by a lone gunman set off a sequence of events that would result in the murder of Transportation Security Officer Gerardo Hernandez and the wounding of two other TSA Officers and one passenger. Airport police quickly apprehended the suspect, but there was a significant travel disruption for tens of thousands of passengers. The airport returned to full normal operations approximately 30 hours later.

In the past several months, Los Angeles World Airports (LAWA) has reviewed in detail every aspect of this incident at great length and presented a comprehensive after-action report to Mayor Eric Garcetti and the Los Angeles Board of Airport Commissioners with several key findings. This report is available for public review on the LAWA website. Immediate tactical response by airport police was swift, heroic, and well-executed. Collaboration with and support from response partners was effective. While the terminal and roadway recovery may have advanced faster, this had to be phased with the security need to clear all parts of the LAX campus (all nine terminals and eight parking garages) before attempting to reinstate operational recovery. Terminal 3 was rapidly repaired and returned to service after the FBI released it Saturday morning, even while the investigation continued. Finally, LAX emergency management programs are maturing, and a number of areas for improvement were identified.

In particular, the most significant challenges on November 1 centered around mass notification and public communications, terminal evacuation and interim sheltering, customer care, and ability to mobilize the entire airport community in the response. LAX has already implemented a number of specific recommendations in the report and will be implementing others in the coming months.

LAW ENFORCEMENT AND HOMELAND SECURITY AT LOS ANGELES INTERNATIONAL AIRPORT

The primary law enforcement agency at LAX is the Los Angeles Airport Police. The antecedents of this organization go back to security officers first hired by the airport 64 years ago and became a full-fledged law enforcement agency in 1984. Airport police have a staff of 1,100, of which 525 are sworn, 400 are security officers, and the rest are professional administrative and support staff.

Airport police officers have trained at various law enforcement academies since 1990 and have been using the Los Angeles Police Academy exclusively since 2006. Since 2006 we have had 200 officers graduate from the academy, many of them graduating with honors and leadership positions in their recruit classes. Airport police train alongside recruits for the Los Angeles Police Department and the Los Angeles Port Police. They receive the same training and learn about the same policies as the other two law enforcement agencies in the city. This ensures that the city is consistent in how it trains its officers and improves the interaction between these three law enforcement agencies.

Airport police also participates in on-going training with agencies throughout the region. One of our largest joint training exercises was an active-shooter exercise held on the weekend of October 5 and 6 in 2013. We worked 6 months to develop what we considered to be a realistic training exercise that would rival a real-world situation in an airport environment. We trained over 350 Airport Police Officers, Los Angeles Police Officers, and Los Angeles Firefighters in an environment which is very different from the other scenes of active-shooter incidents such as the Aurora, Colorado movie theater shooting, Sandy Hook Elementary School, and the Washington Naval Yard shooting. We worked on numerous scenarios involving an active shooter in an effort to test and improve our tactics and to decrease our response time to such incidents.

LAX is a unique environment from any other in the city of Los Angeles and it presents special challenges to law enforcement and security. In addition to main-

taining a highly-visible presence through foot patrols and beats, airport police embrace a layered approach to security with an emphasis on strong partnerships, intelligence gathering, patrol missions/strategies, and plainclothes details. Daily enforcement strategies are aimed at hardening LAX as a target for terrorism as well as other crimes that occur in an urban environment. The goal of all officers in whatever assignment they work is to deter and stop criminal and terrorist acts. Unfortunately as airport police and other law enforcement agencies have discovered, you cannot always deter an attack by someone committed to an act of destruction such as the gunman we had here on November 1, 2013.

Since 1968, there have been 817 terror incidents involving airports and airlines, over 50 in the United States. Nine of these were specific to United States airports of which 7 have targeted LAX. One of our concerns when we were pulling together our October training exercise was the shift from a Mumbai-type of incident with multiple attacks spread out through a metropolitan area to the most prevalent type of active-shooter incident experienced in the United States—the lone-wolf shooting. This involves a single individual with some sort of destructive intention who takes out their anger on a particular setting, be it a movie theater, elementary school, or other public place.

We had to ask ourselves how we would handle such a situation in an airport environment. How would we respond most quickly and effectively once the shooting has started and stop it as soon as possible? We always have to look at a wide variety of risks at the airport, but we decided last year this was the type of risk for which we needed to prepare.

NOVEMBER 1, 2013

The terminals at LAX are arranged in a counter-clockwise loop starting with Terminals 1, 2, and 3. At the far end of the loop is the Tom Bradley International Terminal. The Central Terminal Area then continues with Terminals 4, 5, 6, 7, and 8 at the bottom of the loop. Each terminal has three levels. The lower level is the arrival level where passengers pick up their bags and exit from the terminal upon deplaning from their flights. The second level is the “departure” level where passengers are normally dropped off in front of the terminals and then go inside for ticketing and bag check-in. The third level is where the airline gates are located in the “secured area” behind TSA screening checkpoints.

On November 1, 2013, Mr. Paul Cincia came to LAX in a vehicle driven by a friend and was dropped off on the “upper” or departure level of the airport as would a typical departing passenger. Mr. Cincia walked through the door near the Virgin America ticketing counter at approximately 9:18 A.M. and proceeded to enter the queuing line for a TSA boarding pass check point, which was on the departure level at the foot of an escalator leading up to the security and gate area. Mr. Cincia was dressed as a typical traveler. He had a roller bag with a second bag attached to the top of it, typical of the kind of bags people bring to airports and stow on the aircraft.

At the end of the queuing line, at the bottom of the escalator, was a TSA podium staffed by TSA Officer Gerardo Hernandez. Mr. Hernandez was performing document checks for TSA, checking passengers for their ID and boarding passes. Officer Hernandez by all accounts was a jovial individual who enjoyed his experience as a TSA Officer, friendly to the passengers he was screening. From the video of the incident, we know he was talking to passengers he had just screened when the shooting occurred.

At 9:20 A.M., Mr. Cincia removed an assault rifle from his bag and shot Officer Hernandez from the back. He went up the escalator just a few steps but then came back down and shot Officer Hernandez multiple times once again.

As the shots were fired, panic and chaos set in as expected, but very quickly the TSA Officers at the upper-level checkpoint and passengers began to evacuate people away from where the shots were being fired. Video of the incident shows heroic acts by TSA Officers who put themselves and their safety at jeopardy to make sure their passengers got out of the line of fire. The initial reaction to the shooting was people going to the floor. That was for just a moment before you can hear TSA Officers beginning to direct people in the correct direction, away from the shooting.

Shortly after the incident occurred, the first call came into airport police dispatch. The first call was made from a dedicated line at the TSA checkpoint that went straight to the airport police dispatch center. The TSA supervisor tried to place a call but had to leave the area without being able to provide any additional information. An airline contract service employee near Officer Hernandez used his cellular telephone to call airport police. Within a minute or so, airport police had a full description of the incident so our officers could respond to the area as quickly as possible.

Following the shooting Mr. Ciancia went up the escalator, through the evacuated TSA passenger screening checkpoint, and into the concourse looking for other TSA Officers. He shot and wounded two other TSA Officers and one civilian.

In this time, airport police officers converged on Terminal 3 from many different directions. As the officers arrived, they were directed towards Mr. Ciancia by civilians in the terminal. The officers confronted Mr. Ciancia toward the end of the terminal near Gate 35 where an officer-involved shooting took place. Mr. Ciancia was stopped at that moment and he was taken into custody.

The shooting of Officer Hernandez took place at approximately 9:20 A.M. At 9:21 A.M., our airport police dispatch center broadcast a "shots fired" call for Terminal 3. At 9:25 A.M., Los Angeles Airport police officers reported the suspect was "down" at Gate 35. 4 minutes and 8 seconds elapsed from the time that news of the shooting was broadcast by our dispatch center to the time that our officers reported the shooter was "down" in the terminal. The actual elapsed time was actually shorter, considering that it took some time to safely approach the suspect, handcuff him, and for officers to render Ciancia's weapon safe.

The impact of the law enforcement action on flight operations and the passengers at LAX was significant. Of the 1,550 flights scheduled for that day, airlines canceled 252 flights and diverted 86 flights to other airports, while 74 flights were delayed. Sixteen arriving flights were held on board for longer than 30 minutes, as gates were not available after ramp workers evacuated. With LAX effectively shut down, though, there were ripple effects throughout the air transportation system, with an estimated 1,500 flights impacted. As stated above, LAX, including Terminal 3, returned to full operations on November 2, approximately 30 hours after the shooting.

At the time of the shooting, approximately 23,000 passengers were at the airport. Many in Terminals 1, 2, and 3 self-evacuated, while those in other terminals and on aircraft were sheltered in place. Approximately 3,500 passengers in Terminals 1, 2, and 3 evacuated to the airfield during the incident and were then bused to appropriate facilities. While some passengers left the airport area, others who were expecting to depart continued to arrive at the airport, adding to the congestion and traffic gridlock.

LAX staff established 12 evacuation and shelter sites, and distributed 16,000 bottles of water. The Los Angeles County Mental Health Department, the Los Angeles City Department on Disabilities, and the Red Cross assisted with passenger accommodations. LAWA also made extensive use of the news media and social media website to communicate information to the traveling public.

ANALYSIS

In an incident such as this, the most important factor is speed, how quickly first responders can get to the incident. The first responsibility for police officers is to stop the shooter. The responsibility of the EMS/Fire Department is to rescue victims as fast as they can. In this case, the speed with which airport police were able to stop this suspect and keep him from finding other TSA Officers to shoot was very, very fast. We do not, however "rest on our laurels." Our intent, and what we are always trying to do, is to find how we could do better.

The suspect was stopped due to the bravery of the officers that went into that terminal knowing there was an active shooter with some sort of an assault weapon, the superior tactics they used, and the speed with which they responded. Some have suggested that events may have transpired differently had there been a police officer posted at the checkpoint. When one officer is facing a suspect with an assault rifle, there is no guarantee of success—take on someone with an assault weapon one on one, you may lose more times than you win. Success is much more likely when officers come together as a team in a tactical formation to attack the problem, because the threat posed by the suspect or suspects is met with an equal amount of threat. Even though the officers who responded to the call did not have police rifles or semi-automatic weapons, their tactics and their proficiency in the way they worked together to flank the suspect and confuse him led to taking this suspect into custody. The key is to employ outstanding tactics and speed and coordination by several officers working as a team.

Officer Hernandez, the first TSA Officer killed in the line of duty, made the ultimate sacrifice while working to protect his fellow citizens from violence aimed at the traveling public. In addition, there are other victims to remember. Brian Ludmer was a 29-year-old school teacher from Illinois who was shot and sustained a serious leg injury while standing near some TSA Officers. Two other victims are TSA Officers James Speer and Tony Grigsby, who deserve more credit than they received at the time of the incident for their bravery. There was an elderly citizen at the checkpoint who froze when the when the shooting occurred. For some reason,

he did not react as fast as the others. In spite of the shooting, the two TSA Officers stayed in order to make sure that this individual got out safely. As they lagged behind trying to get him to safety, one was shot in the chest and the other one in the foot. Officers Speer and Grigsby are true heroes of this incident, having put themselves in jeopardy because it was the right thing to do.

Even though the shooter was in custody, communications, traffic control, and tactical operations were still complicated. We did not know if there were other shooters. We did not know if there was a vehicle with a bomb or a secondary device placed in the airport area. LAX handles about 100,000 passengers leaving each day and another 100,000 passengers arriving and 70,000 cars that go through in the central terminal area, and it is a massive undertaking to make sure that we keep people safe. It was necessary to shut down operations and we could only re-open when we were certain we were not putting anyone in harm's way.

Another key success was the interagency teamwork. Multiple law enforcement agencies responded to this incident, not only the Los Angeles Police Department which had a number of officers located here. The Los Angeles County Sheriff's Department, the California Highway Patrol, and police departments of the cities of El Segundo and Hawthorne all responded, along with the Los Angeles City Fire Department. Teamwork and coordination worked, as did our incident command. It was at times chaotic and challenging, but there are lessons that will be learned from this as we look forward and see how to improve. Everyone that was there that day was there for the same purpose—to keep the airport safe and open it as soon as possible.

Los Angeles International Airport will work on ways to improve communications, to ensure that employees at the airport are able to reach airport police dispatch as easily and quickly as possible in case of emergency. We will look to working with our regional partners for technology that can improve radio interoperability.

Airport police will continue to train with the Los Angeles Fire Department to deal with active-shooter and similar situations. The Los Angeles Fire Department has trained 200 of its officers who handle calls in the LAX area on tactical emergency medical services. They are now trained in how to respond to a "warm zone" area to treat patients effectively while at the same time being sure they do not put themselves into danger. We want to make sure they have force protection as they provide medical treatment and will put our officers through the same training.

Law enforcement has made considerable changes in the way it responds to active-shooter incidents since Columbine High School in 1999. At Columbine it was 46 minutes before law enforcement went into that school. To get our time down to 4 minutes and 8 seconds from the first call to when we had the shooter in custody is remarkable. Even so, we continually look for ways to improve our response, but instead of improving by 10-minute increments, we are now trying to save seconds. We are fine-tuning our procedures and tactics so we can save those seconds and lives.

As described briefly above, at the direction of the Los Angeles Board of Airport Commissioners, LAWA conducted an exhaustive 3½-month review of the November 1 shooting and has published a comprehensive after-action report detailing the response and recovery efforts. The report assesses what happened, what could have been prevented, what response efforts worked well, and what areas of emergency management need improvement. The report also includes an improvement plan based on the recommendation drawn from lessons learned during the incident. In preparing this 83-page report, LAWA took a detailed look at every aspect of the incident and challenged ourselves to be better prepared for any future attacks or other disasters at our airports. The report is available on the LAWA website.

Mr. HUDSON. Thank you, Chief Gannon.

The Chairman recognizes Ms. Lindsey to testify.

**STATEMENT OF GINA MARIE LINDSEY, EXECUTIVE DIRECTOR,
LOS ANGELES WORLD AIRPORTS, LOS ANGELES, CALIFORNIA**

Ms. LINDSEY. Chairman Hudson, Chairman McCaul, Members of the committee, thank you very much for coming to Los Angeles International Airport and being willing to discuss the events of November 1. LAX is the largest origin destination airport in the United States serving 66.7 million passengers through 9 different terminals. We host 95 passenger and cargo airlines that conducted 615,000 operations in 2013.

November 1 was like any other busy Friday morning at Terminal 3 until an act of violence by a lone gunman set off a sequence of events of which you have heard a great deal. The suspect came to LAX in a vehicle driven by a friend and was dropped off on the departure level of the airport, just like many departing passengers.

Mr. Ciancia was dressed as a typical traveler with luggage typically brought to the airports by passengers. Even after he was in custody, communications, traffic control, and tactical operations remained quite complicated. Airport police and their partner agencies did not know if there were other shooters. They did not know if there was a vehicle with a bomb or a secondary device placed in the airport area.

Now, LAX handles about 200,000 passengers per day in its central terminal area, and it is a massive undertaking to make sure we keep everyone safe. As soon as dispatch was notified of the shooting, all landside airport access was shut down. We could only reopen once we were certain we were not putting anyone in harm's way. However, simultaneously, we were still accepting arriving flights, so the number of passengers in the terminals and ultimately held on board on aircraft continued to grow.

While airport police quickly apprehended the suspect, significant travel disruption resulted for tens of thousands of passengers. At the time of the shooting, our best estimates are that there were 23,000 passengers in the terminals at LAX. Approximately 3,500 people in Terminals 1, 2, and 3 escaped onto the airfield and were then bused to appropriate holding facilities. That is the plan we have in place, and on that day it worked.

Other passengers and workers in Terminals 1, 2, and 3 ran out to the central terminal roadway. Those in other terminals and on aircraft were sheltered in place. While some passengers left LAX, others who were still expecting to depart on flights continued to arrive at the airport, adding to the congestion and the traffic gridlock outside the central terminal area.

Of the 1,550 flights scheduled for LAX that day, 1,212 actually operated, although 74 of those were delayed. Airlines cancelled 252 flights and diverted 86 flights to other airports. Sixteen arriving flights were held on-board for longer than 30 minutes since gates were not available once ramp workers evacuated. With LAX effectively shut down, there were ripple effects throughout the National air transportation system that impacted an estimated additional 1,500 flights. Remarkably, the airport returned to full normal operations 30 hours after the shooting on November 2.

LAX established 12 evacuation and shelter sites and distributed 16,000 bottles of water. Several partner agencies assisted with passenger accommodations. LAWA also made extensive use of the news media websites and social media to communicate what information we had to the traveling public.

In the past several months, LAWA has reviewed in detail every aspect of this incident and presented a comprehensive after-action report to Mayor Eric Garcetti and the Board of Airport Commissioners with several key findings. In preparing this 83-page report, we challenged ourselves to be better prepared for any future attacks or other disasters at our airports. The report assesses what happened, what could have been prevented, what response efforts

worked well, and what areas of emergency management need to be improved. This report is available on LAWA's website.

The most significant challenges on November 1 centered on mass notification and public communication, interim sheltering, customer care given the duration of the event, and the ability to mobilize an entire airport community in the response. LAX has already implemented a number of specific recommendations in the report, and we will be implementing others in the coming months.

The report also concludes that the immediate tactical response by airport police was swift, heroic, and well-executed. Collaboration with and support from response partners was effective. Terminal 3 was rapidly repaired and returned to service.

We thank you for your attention to this matter and look forward to answering any questions.

Mr. HUDSON. Thank you, Ms. Lindsey.

The Chairman now recognizes Mr. Cox to testify.

**STATEMENT OF J. DAVID COX, SR., NATIONAL PRESIDENT,
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,
WASHINGTON, DC**

Mr. COX. Thank you, Mr. Chairman and Members of the committee. Thank you very much for the opportunity to testify, and what an honor it is to testify before a majority of the committee that has a southern drawl just like me. So, that is a very large honor today.

[Laughter.]

Mr. COX. First, I would like to extend our deepest condolences to the family of Officer Hernandez, and our best wishes for the full recovery of Officers Grigsby and Speer.

Since the attack here in LAX last November, AFGE has sought to understand how this tragedy happened and how others like it can be prevented in the future. Unarmed, unprotected, and exposed, TSA Officers at Terminal 3 checkpoint were easy targets for a man with an irrational hatred of TSA and our officers. The results of our analysis are laid out fully in our written statement. But today I will focus on our recommendations for improved security going forward.

AFGE strongly believes TSA should create an armed transportation security law enforcement officer, TSLEO position, assigned to protect TSOs and passengers at airport checkpoints and other key locations. Deployment of duly trained and certified TSLEOs would establish a consistent standard of protection. This is not a call for the arming of TSA Officers. Rather, our proposal would establish a new law enforcement unit within TSA.

As we have heard since November 1, current airport law enforcement operations have gaps and inconsistencies that leave TSOs and passengers vulnerable. Many airports have no armed law enforcement officers stationed at or in the airport. Even where they do, different decisions about tactics, staffing, and deployment have left many checkpoints without an armed law enforcement officer stationed there to provide security for our unarmed TSOs and passengers.

Placing one or more armed TSLEOs at every checkpoint and at every key airport location will provide security improvements, in-

cluding: Integration of the law enforcement function into TSA operations, creation of a visible deterrent to those with criminal intent as well as those who subject TSOs to verbal and physical assault, and provisions for the quickest possible response when an attack occurs.

In the interest of time, Mr. Chairman, I will simply list our additional recommendations. TSA should establish raised protected installations at each checkpoint with bullet-proof glass to allow armed officers to better observe the area, detect a problem before it escalates, and create a visible deterrent for those who might be planning an attack. TSA should continue to deploy TSOs the new armed TSLEOs to monitor exit lanes.

TSA must ensure close coordination between airport and local first responders. The lack of coordination across such agencies at LAX on November 1 made a horrific situation even worse as emergency medical attention for our wounded officers was delayed. AFGE strongly encourages TSA to implement the recommendations in the November 2013 GAO report on scientific research and enhanced training to better identify threats to aviation security. We believe that that will increase the likelihood that a BDO will be at the right place at the right time to detect and deter a potential attacker, like the LAX shooter.

Finally, TSA must immediately provide active-shooter training to TSOs relevant to each airport, which includes interagency drills with other first responders. AFGE also applauds Representative Julia Brownley for introducing the Honoring Our Fallen TSA Officers Act, which would grant TSOs public safety officer status. Honoring public servants killed in the line of duty recognizes that a very small portion of the population volunteers to be put in harm's way to protect their country. H.R. 4022 should receive enthusiastic bipartisan support.

We look forward to the same bipartisan support for the proposals we have made today. This concludes my statement, and I will be happy to answer any questions.

[The prepared statement of Mr. Cox follows:]

PREPARED STATEMENT OF J. DAVID COX, SR.

MARCH 28, 2014

Chairman McCaul, Chairman Hudson, Ranking Member Thompson, and Representatives Waters and Brownley: My name is J. David Cox, Sr., and I am the national president of the American Federation of Government Employees, AFL-CIO (AFGE). On behalf of the more than 670,000 Federal employees represented by AFGE, including approximately 45,000 Transportation Security Officers (TSOs) at our Nation's airports, I thank you for the opportunity to testify today.

SUMMARY

On behalf of AFGE, I first want to extend our deepest condolences to the family of our late bargaining unit member, Officer Gerardo Hernandez. His loss is felt profoundly by his union brothers and sisters at LAX and throughout the entire TSO workforce. Indeed, the Federal civil servants AFGE represents are fully aware that Officer Hernandez and his family have made the greatest of all sacrifices. Likewise, AFGE reiterates our best wishes for a full recovery to Behavioral Detection Officer (BDO) Tony Grigsby, Officer James Speer, and passenger Brian Ludmer.

TSOs are tasked with keeping America's airline passengers safe, but the officers are often powerless in the face of danger. All too often, TSOs are verbally and physically assaulted while performing their duties, but prior to 2013 a TSA Officer had never been killed in the line of duty. In the wake of the LAX shooting, the risk of

assaults and mass casualty attacks resulting in the death or injury of our officers is now known all too well. The internet and traditional media sources are replete with commentary from people who express hatred and vilification aimed at TSA and our officers every day, sometimes in the most horrific terms. TSA also has records of employees being physically and verbally assaulted while on duty at checkpoints and elsewhere. The agency must act; this known workplace hazard must be addressed.

Since the attack on the TSA checkpoint at Terminal 3 of LAX, AFGE has sought to understand how this tragedy happened and how it can be prevented in the future. Sadly, the circumstances on November 1 left Officer Hernandez with little chance for his life. TSOs working at the checkpoint had but a moment to literally run for their lives while warning others. The TSO workforce has expressed to our union their continued anxiety about their safety, and who could blame them? Although these concerns heavily weigh on their minds, TSOs across the country continue to report for work every day and carry out their duties of protecting the flying public to the very best of their abilities.

But unarmed, unprotected, and exposed, TSA Officers at the Terminal 3 checkpoint were easy targets for a man with an irrational hatred of TSA and specifically TSA Officers. There was no law enforcement presence at the checkpoint to defend our officers from the gunman, in part because local law enforcement had recently decided to no longer station their officers at that location, opting for them to patrol the terminal and related facilities instead.

AFGE applauds recent statements by TSA Administrator John Pistole that TSA seeks to ensure “the best possible security for TSA employees” and others in the airport. In light of this terrible tragedy, AFGE strongly believes the best response to enhance security for agency employees and the traveling public is to create an armed Transportation Security Law Enforcement Officer (TSLEO) position assigned to protect TSOs and passengers at airport checkpoints and other key locations. Deployment of TSLEOs would address problems made clear by the LAX shooting and establish a consistent standard of protection for vulnerable TSOs and passengers across the country. Establishment of a TSLEO position is a priority recommendation for AFGE, and we will discuss others in this testimony.

BACKGROUND

Paul Anthony Ciancia has been charged on 11 Federal counts stemming from the November 1 shooting rampage at LAX including murder, attempted murder, and charges related to committing violence and using a firearm in an international airport. As a result of Ciancia’s attack at the TSA checkpoint, multiple LAX terminals were evacuated, and LAX was closed for a period of time, disrupting air travel around the world.

It is deeply troubling that we later learned that Ciancia carried with him a letter stating he had “made the conscious decision to try to kill” as many TSA employees as possible because in his words, he wanted to “instill fear in your traitorous minds.” Sadly, TSOs are not unfamiliar with these misguided, unwarranted expressions of suspicion and hatred aimed towards the workforce. The events of November 1 have deeply saddened and affected the morale of TSOs across the country. During our recent conference in Washington, DC, AFGE’s TSO members expressed the anxiety they experience on the job along with frustration that some of their fellow Americans despise them solely because they carry out their duties as trained.

THE PATH TO IMPROVED CHECKPOINT SECURITY

AFGE applauds Administrator Pistole for TSA’s quick response following the tragic event in Los Angeles, and for opening up a process in which all stakeholders, including AFGE, can receive information and provide recommendations. AFGE’s concerns should be understood as an effort to address issues leading to what the administrator has described as: “the best possible security for TSA employees.” AFGE shares a strong commitment to that goal. AFGE’s recommendations follow:

1. TSA Must Fulfill Its Duty to Assure Safe and Healthful Working Conditions for the TSO Workforce as Federal Employees

In addition to its duty to protect the flying public, TSA also has the important obligation of protecting its workforce on the job. The Occupational Safety and Health Act contains provisions to assure safe and healthful working conditions for Federal employees. TSA adopted Occupational Safety and Health Administration (OSHA) Standards as minimum acceptable safety criteria for its workplaces. OSHA developed an enforcement policy with regard to workplace violence as early as 1992 in a letter of interpretation that stated:

“In a workplace where the risk of violence and serious personal injury are significant enough to be recognized hazards, the general duty clause [specified by Section 5(a)(1) of the Occupational Safety and Health Act (OSH Act)] would require the employer to take feasible steps to minimize those risks. Failure of an employer to implement feasible means of abatement of these hazards could result in the finding of an OSH Act violation. (OSHA Std. Interp. 1900 (D.O.L.) 2006.)”

Further, TSA policy tasks the agency with “providing and maintaining safe and healthful working conditions for all TSA employees” (TSA Management Directive No. 2400.2(6)(A)) and requires the agency to furnish “a workplace that is free from recognized hazards that cause or are likely to cause death or serious physical harm.” (TSA Management Directive No. 2400.1(6)(A)(2).)

It has been largely overlooked that despite the imminent threat to their lives, many TSOs in Terminal 3 showed remarkable courage. Although unarmed, it was reported that TSOs ran through the terminal alerting passengers and airport staff of a live shooter and to take cover. BDO Grigsby told the press he was shot twice during the attack while helping an elderly passenger to safety. The actions of BDO Grigsby and numerous other unnamed TSOs reflects the patriotism and commitment to public service evident in the TSO workforce.

The evident danger posed to the public during the LAX shooting and the heroic actions of TSOs clearly demonstrate that these officers meet the definition of “public safety officer” in every way. AFGE applauds Representative Julia Brownley (D-CA) for introducing H.R. 4026, the *Honoring Our Fallen TSA Officers Act* that would grant TSOs public safety officer status for duties that protect our Nation’s transportation systems. The legislation recognizes that TSOs are the first line of defense against transportation terrorism and perform a very important public safety role for the country. On a personal note, when the *Honoring Our Fallen TSA Officers Act* becomes law, the family of fallen TSA Officer Hernandez will be eligible for the death benefits retroactively. Honoring those public servants who are killed in the line of duty recognizes that a very small portion of the population volunteers to be put in harm’s way to protect their country. There is no reason H.R. 4026 should not have enthusiastic bipartisan support.

The TSO workforce should not feel they are on their own when it comes to protecting themselves against violence from any member of the public. Our proposals reflect real-world solutions to address the potential for violence faced by our TSO members on a daily basis.

2. TSA Should Establish a Transportation Security Officer Law Enforcement Position

The TSA administrator currently has broad authority to implement changes that will better protect the TSO workforce and passengers at checkpoint. When the Aviation and Transportation Security Act of 2001 (ATSA) transferred the security functions at United States airports to a Federal Government responsibility, the statute also imbued the TSA administrator with broad authority to assess and manage threats against air travel. For example, the administrator holds certain law enforcement powers, including the power to designate officers to carry firearms and make arrests, with or without warrants. The TSA administrator must use this authority to its greatest potential to enhance security and support its workforce.

The U.S. military employs a strategy known as “overwatch” that was widely used during the recent conflicts in Iraq and Afghanistan that should be applied to TSA checkpoint security. Overwatch consists of armed officers deployed to a position overlooking an area where a unit of soldiers (often unarmed) are vulnerable to attack as they perform duties such as loading and unloading vehicles. The strategy provided great protection to the brave men and women defending our country and it will provide the same protection to TSOs and passengers.

Erroll Southers, a former FBI agent who was chief of homeland security and intelligence at LAX from 2007 to 2010, said that if officers had still been stationed at the screening area on November 1, “that arguably would have put them in a position to know about the incident and respond to it in a much more reduced time span.” AFGE shares that view and proposes that the TSA administrator exercise his statutory authority to establish a unit of Transportation Security Law Enforcement Officers (TSLEOs) within the agency. This force would ensure that the agency would have one or more armed, Federal law enforcement officers—duly trained and certified—at every airport checkpoint, and at other key locations.

I want to clarify that our proposal does not call for, and has never called for the arming of all TSA Officers or even a portion of that workforce. Rather, our proposal contemplates a new law enforcement unit within TSA. Some qualified TSOs would likely bid for positions in this new unit. This law enforcement unit would ensure a consistent and uniform level of security across the Nation’s airports. As we have

learned in the months since the attack at LAX, current law enforcement operations leave our officers vulnerable to attack. This is not to fault any law enforcement agency, but rather to highlight the gaps and inconsistencies in law enforcement coverage from the point of view of our TSA Officers who work in the airports.

Airports currently are permitted to make their own security plans for armed officers, as long as they follow basic guidelines and get their plans approved by the TSA. The current system leaves the security of our TSOs, the traveling public, and the airport checkpoints to a patchwork of hundreds of local police jurisdictions across the country. Hundreds of airports have no armed law enforcement officers stationed at or in the airport. Even where law enforcement is present inside the airport, different decisions about police tactics, staffing, and deployment have left many checkpoints, like LAX, without an armed law enforcement officer permanently stationed there to provide security for our unarmed TSOs.

By contrast to the lack of consistent law enforcement support within TSA, the Social Security Administration (SSA), to take just one example, provides its employees with law enforcement support across its large network of offices. AFGE represents tens of thousands of employees at SSA, where an armed officer provides security at each of the over 1,400 Social Security Offices around the country. This law enforcement support was put in place based on the recommendation of labor-management partnership meetings between AFGE and the SSA executives in the wake of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City in 1995. In that attack, 15 SSA employees were killed. Those officers remain in place, providing security for SSA employees and the Social Security recipients and beneficiaries who visit those offices.

As recently as early 2013, Los Angeles Airport Police Department (LAXPD) officers were assigned to and stationed at each checkpoint at LAX. This changed in April 2013, however, when LAXPD made what has been described by the LAXPD Chief as a tactical decision in which their officers were no longer required to remain at a podium by the screening area. In an effort to make security plans less predictable, they are assigned to roam the terminal provided they can respond to an emergency at the screening station within 3 minutes. Some law enforcement experts dispute the effectiveness of that change in tactics. From AFGE's point of view, the harsh reality of the events on November 1 make clear that the change failed to protect TSOs and the public at LAX.

3. TSA Should Create Law Enforcement Positions to Protect TSA's Mission

AFGE respectfully submits that the presence of armed TSLEOs would be the most effective way to deter and repel potential future attacks. Having one or more armed Federal law enforcement officers at every checkpoint, and at other key locations, will provide several improvements over the current system:

- Nation-wide consistency in the protection of TSA checkpoints, TSOs, and the millions of passengers, airline and airport personnel who pass through those areas every year.
- A law enforcement force that is integrated into TSA operations, controlled and directed by TSA officials, but which coordinates closely with local law enforcement to provide for seamless operations across the country.
- A visible and effective deterrent to people intent on mass casualty attacks like the one in LAX, and to those passengers who subject TSOs to daily verbal assaults and all-too-frequent physical assaults.
- The quickest possible response when an attack, large or small, occurs in the checkpoint or in other key TSA work locations.

AFGE represents tens of thousands of Federal law enforcement officers at the Department of Homeland Security and the Department of Defense, and our union is well acquainted with the qualifications to become a LEO and their certifications and duties. The facts of the November 1 incident at LAX require immediate steps to establish these positions under the TSA administrator's existing authority. The addition of a TSA law enforcement unit will add a necessary layer of security in the airport that is, in most locations, not present today.

4. TSA Should Establish Protective Installations at Each Checkpoint

In addition to the establishment of a new armed TSLEO position, AFGE advocates providing raised, protective installations at the checkpoints and other key locations. By installing raised podiums with bulletproof glass and other protective reinforcement, TSA can improve the law enforcement presence and response time in the event of future attacks.

This type of installation, raised above floor level, will allow armed officers to better observe the area, detect a problem before it escalates into an attack and create a visible, armed deterrent for those who might be planning an attack. The installa-

tion would also serve as a base from which to launch an immediate law enforcement response to an attack.

The reinforcement of the installations would provide a measure of protection in the event of attack by serving as a barricade for the officers and providing cover from which they can return fire or await the arrival of additional officers. Also, the visible presence of armed TSLEOs in the immediate area of the checkpoint will provide a deterrent for those seeking to breach the checkpoint or assault TSA personnel or passengers.

5. TSA Should Continue to Deploy TSOs to Monitor Exit Lanes

Published reports have indicated that after the LAX shooter attacked Officer Hernandez, the shooter proceeded to walk through the exit lane and enter Terminal 3 where he continued to shoot additional victims. Even prior to the LAX attack there was considerable documentation, and long experience, that the exit lanes are vulnerable points of entry for potential security breaches, particularly those that are co-located at the TSA screening checkpoint. Despite this history, just last year TSA decided, with no Congressional review or authorization, to transfer the responsibility for exit lane monitoring to the airports and their various law enforcement resources. Although Congress blocked TSA from handing off the exit lanes at any additional airports, at some airports exit lane staffing remains the responsibility of the local authorities, not TSA.

This transfer of exit lane duties has been strongly opposed by airports and AFGE for good reason. An exit lane breach can bring airport operations to a halt and strand tens of thousands of passengers across the country for hours. Such a breach can allow an active shooter or anyone seeking to create mass casualties access to what is often the part of the airport with the largest crowds: The air side of the terminal. Even before the attack at LAX, TSOs assigned to exit lane monitoring duties suffered assaults at the hands of passengers and others seeking to breach the exit lane.

Exit lane monitoring should remain primarily a TSA responsibility in all airports, and that responsibility should be returned to TSA at airports where it was previously delegated to local authorities. In addition to the TSOs who have normally staffed the exit lanes in the past, the new TSLEOs we have proposed should be assigned to the exit lanes. This change will ensure the same consistent National security standards as at the checkpoint.

6. TSA Should Implement Necessary Changes to Improve the BDO Program

AFGE has for years strongly supported the layered approach to security, and the risk-based security principles implemented by TSA. AFGE agrees with TSA and with broader law enforcement community that behavior detection programs are an important element of the overall security system that will keep commercial aviation safe. Although speculative, AFGE believes that the behavior of the LAX shooter would have been noticed by well-trained BDOs on patrol near the checkpoint and afforded them an opportunity to help prevent the shooting.

AFGE recognizes the valid concerns stated in the November 2013 Government Accountability Office report on the Screening of Passengers by Observation Techniques program and strongly encourages TSA to implement the recommended scientific research and enhanced training to better identify threats to aviation security. This will in turn increase the likelihood that a BDO will be in the right place at the right time to detect and deter a potential attacker like the LAX shooter.

7. TSA Must Ensure Close Coordination Between Airport and Local First Responders

While the Los Angeles World Airport's (LAWA) report on the November 1 active-shooter incident represents a well-intentioned effort to identify and address security problems, AFGE found the report's conclusions and omissions disturbing. We cannot help but express our dismay at the lack of coordination across those agencies responsible for security at the airport. Officer Hernandez waited 33 minutes before he received medical attention. Over an hour passed before command posts were merged and a unified response coordinated. Emergency equipment such as the checkpoint "panic button" simply did not work. Even if the "panic button" had operated properly, TSOs did not have clear access to that device and checkpoint phones, and it is not clear those devices would have contacted directly local or airport law enforcement.

In addition, the LAWA report does not discuss the impact of the redeployment of and removal from TSA checkpoints of local law enforcement, nor why two assigned officers were out of position when the shooting began. The issues leading to the failure of security must be openly acknowledged and addressed to ensure lessons are learned from the November 1 tragedy and applied to airports around the United States.

8. TSA Must Provide Immediate Active-Shooter Training for the TSO Workforce

Our members report that prior to the attack at LAX the only active-shooter training available to them was a video providing instruction for an active-duty situation at an office building. Clearly an office building situation cannot compare to an active shooter at a checkpoint as TSOs and passengers are trapped in a small, enclosed area. AFGE calls upon TSA to establish and implement airport active-shooter training for all TSOs. As much as possible, TSA should coordinate with Federal, State, and local airport organizations to establish live shooter interagency drills. The LAX shooter had an animus against and was targeting TSA employees in his attack. TSOs are the unique targets and should have priority for training designed specifically for their protection. In addition, TSA must allow all TSOs time to receive the training. Our members complain that due to management staffing concerns that recently-hired TSOs are more likely to receive training than incumbent employees. This is unacceptable for certification and skills training and unthinkable for active-shooting training. The TSOs on duty at LAX on November 1 did the best they could to save their lives and those of the public. No TSO should ever be placed in that situation again in the future.

CONCLUSION

AFGE believes that improved security for the more than 45,000 Transportation Security Officers represented by our union is essential for improved public safety. TSOs should receive recognition and respect for performing important job duties that are not always safe. We strongly urge that AFGE's recommendations be implemented. We look forward to participating in additional dialogue about implementation of the changes that we have recommended. This concludes my statement. I will be happy to respond to any questions.

STATUTORY AUTHORITIES

(p) Law enforcement powers.

- (1) **In general.**—The Under Secretary may designate an employee of the Transportation Security Administration or other Federal agency to serve as a law enforcement officer.
- (2) **Powers.**—While engaged in official duties of the Administration as required to fulfill the responsibilities under this section, a law enforcement officer designated under paragraph (1) may—
 - (A) carry a firearm;
 - (B) make an arrest without a warrant for any offense against the United States committed in the presence of the officer, or for any felony cognizable under the laws of the United States if the officer has probable cause to believe that the person to be arrested has committed or is committing the felony; and
 - (C) seek and execute warrants for arrest or seizure of evidence issued under the authority of the United States upon probable cause that a violation has been committed.
- (3) **Guidelines on exercise of authority.**—The authority provided by this subsection shall be exercised in accordance with guidelines prescribed by the Under Secretary, in consultation with the Attorney General of the United States, and shall include adherence to the Attorney General's policy on use of deadly force.
- (4) **Revocation or suspension of authority.**—The powers authorized by this subsection may be rescinded or suspended should the Attorney General determine that the Under Secretary has not complied with the guidelines prescribed in paragraph (3) and conveys the determination in writing to the Secretary of Transportation and the Under Secretary.

ATSA, 49 U.S.C.A. § 44901

(h) Deployment of armed personnel.

- (1) **In general.**—The Under Secretary shall order the deployment of law enforcement personnel authorized to carry firearms at each airport security screening location to ensure passenger safety and National security.
- (2) **Minimum requirements.**—Except at airports required to enter into agreements under subsection (c), the Under Secretary shall order the deployment of at least 1 law enforcement officer at each airport security screening location. At the 100 largest airports in the United States, in terms of annual passenger enplanements for the most recent calendar year for which data are available, the Under Secretary shall order the deployment of additional law enforcement personnel at airport security screening locations if the Under Secretary deter-

mines that the additional deployment is necessary to ensure passenger safety and national security.

ATSA, 49 U.S.C.A. § 44901 NOTE

DEADLINE FOR DEPLOYMENT OF FEDERAL SCREENERS

Pub. L. 107-71, Title I, § 110(c), Nov. 19, 2001, 115 Stat. 616, provided that:

“(1) In general.—Not later than 1 year after the date of enactment of this Act [Nov. 19, 2001], the Under Secretary of Transportation for Security shall deploy at all airports in the United States where screening is required under section 44901 of title 49, United States Code, a sufficient number of Federal screeners, Federal Security Managers, Federal security personnel, and Federal law enforcement officers to conduct the screening of all passengers and property under section 44901 of such title at such airports.

“(2) Certification to Congress.—Not later than 1 year after the date of enactment of this Act [Nov. 19, 2001], the Under Secretary shall transmit to Congress a certification that the requirement of paragraph (1) has been met.”

Mr. HUDSON. Thank you, Mr. Cox. I now recognize myself for 5 minutes to ask questions.

Chief Gannon, I would like to start with you, sir. Let me say first that I agree with you that 4 minutes and 8 seconds is quite a remarkable amount of time that elapsed from the time you received the call until your officers took down the shooter. So, I just want to acknowledge the heroes, the officers, that serve under you and the work that they did, and the preparation that you led in this sense. I think everyone recognizes their actions on that day were extraordinary, if not heroic.

Chief GANNON. Thank you. We are very proud of them.

Mr. HUDSON. One of the issues that we have heard different information about was the location of the two officers in Terminal 3 that day. I would just ask so we can get it on the record to be clear, exactly where were the two officers that day?

Chief GANNON. One officer was using the restroom in an adjacent terminal, and the other officer was out on the airfield, which is part of his responsibilities.

Mr. HUDSON. You know, my interest is not to try to play gotcha with any particular officer, but just to try to understand the policies. The officer who was in the restroom, was there a policy that an officer operates under when you are taking a break that you notify someone that Jeff is going to cover your area, or was it standard operation just to quickly take that break and then get back on—

Chief GANNON. Well, yes, we have a policy, and, yes, that policy is to ensure that we have coverage in that terminal. But for a restroom break? I do not hold somebody to making that kind of determination. I expect people to be able to use the restroom and get quickly back to where they are, so I do not have a particular problem with that.

I have throughout my entire airport or our entire airport and through each of the terminals, we have a tremendous responsibility throughout those, whether it is in the departure level, or at the arrival level in the baggage claim areas, or out on the airfield. There are a lot of different responsibilities that our officers have, and there are a number of people along the way that were there to protect. But they are only one layer of security here at the airport, so a lot of focus has been on those two officers. But they are not the

only officers that were working that day, nor are they the only ones who had responsibilities to that terminal.

Mr. HUDSON. Well, explain that a little bit if you could briefly. What are some of the layers that day that would have overlapped with Terminal 3?

Chief GANNON. Well, in addition to the officers that we have assigned to terminals each day, we also have motor officers. We also have bike officers that were working that particular day. We have officers on foot beats throughout the terminals. We have officers that respond on mopeds. I have supervisors that are actively working and police cars, and we have roving patrol units that were working in the central terminal area that day. So the response to a shooter or to any incident that occurs in an airport is the responsibility of a number of different officers, not just the officers that work in that terminal each day.

Mr. HUDSON. Great. Thank you, Chief Gannon. Administrator Pistole, your testimony stated that TSA is recommending airport operators conduct active-shooter training. As I think was pointed out, LAX had just done such an exercise 3 weeks prior, and I think that contributed to the performance of the officers of TSA, as well as law enforcement that day in November. But are you working in coordination when you do these trainings with the local law enforcement at the airports? Could you maybe explain how that works?

Mr. PISTOLE. Yes, Chairman. So there are actually two aspects to the active-shooter training. One is for all TSA employees, not just TSOs, but all TSA employees around the country and internationally around the world to make sure that they know what to do in the event that an active shooting takes place at their place of work. So that is the one aspect.

As you know, there are three different types of training. One is basically an on-line course which 98 percent of our employees have completed. The other is a tabletop exercise, which is often done more in conjunction with airport operators and police, and then the tactical training, which is done. The training that was done 3 weeks before actually combined all three, and so I commend LAWA and the police in terms of doing that because it probably did save lives from the standpoint of people knowing what to do to escape. We can call it an "evacuation," but as I think as some people heard earlier, it is as much an escape as it is evacuation to know to get out of harm's way.

So, that training is on-going based on and in concert with airport authorities and police. We are requiring that now to be done at least semi-annually at all 447 airports around the country.

Mr. HUDSON. I appreciate that. Since I am going to hold everyone else to their 5 minutes, rather than ask a question with 13 seconds left, I am going to now yield to the Ranking Member of the full committee for questions you may have. Mr. Thompson.

Mr. THOMPSON. Thank you very much. Chief Gannon, simply put, how would the response to an active-shooter situation differ today at LAX compared to what happened November 1?

Chief GANNON. Well, I think that the response to the actual incident itself and to the shooting, it is tough to be faster, quicker than we did on that particular day. Part of the difficulties that we had

on that day was coordinating all of the resources that responded to the airport. That was one challenge that we had, and making sure that we understood exactly where they were being put to work and building out an effective incident command to be able to deal with those. The other issue is prevention. We have spent a lot of time wondering if we could prevent this incident. Given the case of Paul Ciancia, he was not on anybody's radar screen. I do not think that we could have prevented this in that regard.

But there are ways in which we can educate our employees, educate people within the airport to be better partners with us and to be more observant as to what is going on that maybe behavior exhibited by Mr. Ciancia could have been identified and then acted upon before he had an opportunity to shoot. I do not think in this particular case it was, but we have put together a community- and policing-based approach to assigning officers to specific terminals to build relationships with people so that we get better information out of our employees.

Mr. THOMPSON. Well, I guess my point I am trying to get at is you have identified coordination as something that would be different now than before. Now, based on what we have been told during our visit here, it is still very difficult for the LAWA police to talk to the sheriff's department, to talk to the LAPD. What are you doing or, Ms. Lindsey, what are you doing to affect that interoperability issue that still exists?

Chief GANNON. Well, it still exists here. It exists throughout southern California and throughout the Los Angeles area. The county is responsible for putting an interoperability plan. They have a program called LA-RICS that is in development. We have developed our communications systems to be compatible with LA-RICS, but that is some time off.

In the mean time, what we have done on the short-term, for example, with fire and with LAPD, the units especially that worked the fire stations associated with this airport or LAPD officers that are on campus or close, is that we provide them with a radio which they can monitor for us and which we can monitor their frequencies. We do have frequencies that we can talk to LAPD on our frequencies, so we do have interoperability to some degree, but not to the extent that I think we need in a major incident.

Mr. THOMPSON. Ms. Lindsey.

Ms. LINDSEY. I think the only thing I would add is that we are encouraging LA-RICS to take the steps that they need to take because we have already implemented the technology that they are ultimately going to implement, so there really is not a whole lot more than encouraging them to take the steps they need to take that we can do from the airport perspective.

Mr. THOMPSON. Mr. Cox, an active-shooter situation is a difficult scenario. What are you recommending for a situation like this for the minimal kinds of training TSOs should have in that situation?

Mr. COX. No. 1, there has to be an opportunity for the TSOs to take the training, and remember their jobs are very demanding. If people are lined up to get into the airports, it is hard for them to take time to get the training. So, No. 1, the time to do it, the training, to understand what to do, how to get to the alarms, that they are handy, having more radios, that it would be permissible to use

their own cell phone to call for help, to get help immediately, how to evacuate themselves, passengers, where to go for a safe harbor-type things.

Each airport is a little bit different as we all understand. They are built differently. But the training and, again, the freeing-up of the officer to have the time to do the training. That happens in every organization in the Government and the private sector where we struggle to get the time to do it.

Mr. THOMPSON. Thank you. Yield back.

Mr. HUDSON. Thank the gentleman. The Chairman now recognizes the Chairman of the full committee, the gentleman from Texas, Mr. McCaul, for any questions he may have.

Chairman MCCAUL. Thank you, Mr. Chairman. Let me just first take the opportunity to say thank you to our TSA Officers out there who I think day in and day out under very difficult circumstances protect the traveling public from threats, whether it be lone gunmen or terrorists. We certainly appreciate the work you do. I know you do not always hear that, but I wanted you to hear that from the Chairman.

Chief, I look at threats, risks, and vulnerabilities. Now, this airport has been under threats really since 9/11. It is a target, and it was certainly on that day. When I look at what was the weak point as I analyze this particular fact pattern, it seems to me that once someone goes through the proper screening, a weapon is going to be detected and picked up. So having the police, you know, beyond that screening, post-screening, it is helpful, but it seems to me the real vulnerability is before that process in the perimeter, if you will, before they go through their screening. Also in this case, the exit where the shooter actually went through the exit to get into the terminal and, I believe, to push threats out. You want to push that threat out before he gets in. So what are your lessons learned in that regard when you look at what happened that day?

Chief GANNON. Well, I absolutely agree with you. I think that the threat for this airport starts on Century Boulevard at the entrance to the airport and extends through the curb area and the drop-off and into the terminals themselves, and up to the screening checkpoint is where our greatest threat occurs. So, our emphasis should be in those particular areas. That is consistent with the strategy that we have put together. That was consistent with the way in which last May when we moved from that podium assignment where we had officers sitting or standing at a podium behind the screening and to move them up front with that in mind to reduce the threat there.

There are a number of challenges at any of our airports, and there are a number of issues that involve crime and other things that we have to address each and every day. But I also feel that it is important that we protect everybody in this airport environment to the best of our ability.

Chairman MCCAUL. Now, as Mr. Cox talked about, you know, putting a police officer in front of each screening checkpoint would probably be ideal. Obviously resources are an issue. However, are there ways to be agile, flexible to keep the threat guessing? I think if you had one person always in one place, they are able to predict better in terms of, you know, the threat at that particular juncture.

So in other words, the flexibility and agility, do you think that is important to sort of move these assets around at the airport?

Chief GANNON. I absolutely think so. I think if you are predictable, then you are vulnerable, and that is why I do not think we should be as predictable. You know, to our best knowledge, anybody who is going to cause an issue here and take a violent act at this airport is probably going to watch and look and pay attention to how we do our jobs each and every day.

Chairman MCCAUL. Let me just, because my time is going to run out, just say to apprehend the suspect under 5 minutes is pretty extraordinary. I do think we can always do better. I think had he not just been targeting TSA, we could have seen a lot more bloodshed that day.

Administrator Pistole, when you look at resources, and we always have to look at that, as you well know, you know, in the Bush Intercontinental Airport, it was a CBP Officer or, I believe, an ICE Officer that actually responded. CBP in Terminal 3 were there. You have the VIPR teams that we saw today. You have a lot of assets around there. You have the police. You have got CBP Officers, ICE that can respond that are armed and trained unlike the TSOs. Can you speak to that in terms of bringing those resources together to prevent this kind of threat from happening?

Mr. PISTOLE. Yes. Thank you, Chairman. There are a number of challenges and opportunities, as you indicated, with the multiple layers of security that could be brought to bear. One of the challenges is to know how to integrate those different resources. So, as Chief Gannon mentioned, it is one thing to have the airport police doing random patrols and having that unpredictable aspect of things along with coordinating with our VIPR teams, which, of course, is another layer of security there.

When we start introducing other components, for example, DHS, ICE, CBP, who have primary responsibilities elsewhere, then it becomes a question of what are we diverting them from in terms of their responsibilities and addressing what risk and what threat. So we do try to balance risk, threat, vulnerability, consequence, as you mention, that formula for assessing risk, to make informed judgments.

You mentioned about if we did have a special cadre of armed TSOs. I have several concerns about that which I can go into later, but introducing more guns into the checkpoint on a fixed basis I do not think is a solution.

Chairman MCCAUL. I tend to agree with that. I see my time has expired. Thank you.

Mr. HUDSON. Thank the gentleman. The Chairman now recognizes the gentlewoman from Texas, Ms. Jackson Lee, for any questions she may have.

Ms. JACKSON LEE. Thank you very much. Let me just refresh the witnesses' memory. I started out by indicating that TSA Officers are in the service of their country and in the service of protecting the National security of this Nation. I think that as we proceed with this hearing, it is a very key element collaborating with local law enforcement. Chief Gannon, I again want to go on the record and say 4-and-some-seconds minutes was a remarkable effort, and we thank you again very much.

Mr. Pistole, in that direct thought of National security, you in 2013 did a vulnerability assessment of LAX with Transportation Security and the Federal Bureau of Investigation. In my opening remarks, I alluded to the fact that TSA and TSO Officers should have the ability to pick up an emergency phone line and it should work. They deserve to know that a panic button, when they have been instructed to press it when an incident occurs, will work and prompt a response from local law enforcement. In an active-shooting situation that is crucial.

So, my question is whether the vulnerability assessment that was done in November 2013 took into account the communication between first responders. I think we have raised that question. But then on the other hand, the ability of the Transportation Security Officers to call for assistance in the event of an incident at a checkpoint, which I think is crucial.

Mr. PISTOLE. Yes. Thank you, Congresswoman. Actually the most recent joint vulnerability assessment was just in February 2014, so just very recently following the shooting in November, and it was part of a previously-scheduled one. So, one of the things we look at with the FBI and the Airport Authority and the airport police is the communication, not necessarily in terms of interoperability of radio systems because there are a number of challenges to that both from a budget, a number of different aspects. Does the airport police want to have TSA Officers on their radio channels and communications just like—

Ms. JACKSON LEE. Mr. Pistole, I want to ask two other questions, so if you can summarize your response.

Mr. PISTOLE. So the bottom line is they looked at a number of things, including communications. We do not look at communications, say, between first responders, between LA fire, LA police, LA sheriff, and LAWA. That is not part of the joint vulnerability assessment.

Ms. JACKSON LEE. So can we add to that now the ability of a TSO Officer to have an immediate response based upon whatever is present for them to make that call?

Mr. PISTOLE. Yes. The question we do look at or the issue we do look at is, do TSA Officers have the ability to communicate directly with airport police? And the answer to that is yes, as the supervisory TSO did on November 1, 10 seconds after the first shot was fired.

Ms. JACKSON LEE. But that was a red phone?

Mr. PISTOLE. That was a red phone.

Ms. JACKSON LEE. So, I think my point is we want to make sure that all that is operable from our perspective in the Federal Government.

Mr. PISTOLE. Right, and LAWA found that that was not operable, so they have taken actions to correct that.

Ms. JACKSON LEE. Yes, let me quickly, is it, in your mind, very important for there to be a Federal TSO professional organization as opposed to privatization? Does this really point out how important that is?

Mr. PISTOLE. Well, yes. I believe that TSA is a Federal workforce—

Ms. JACKSON LEE. But that it is important to be under the Federal auspices as opposed to privatization.

Mr. PISTOLE. It is, but we also recognize Congress' mandate to have privatized screening.

Ms. JACKSON LEE. Some of us disagree with that. Thank you. Let me ask Mr. Cox about the importance of a trained professional TSO organization as opposed to privatization. Then might you comment very briefly on what you think is important about a separate law enforcement entity to TSO.

Mr. COX. No. 1, I think the American people had the outcry that they wanted the Federal Government to operate the screening at airports after 9/11, and since that time TSA has done a fantastic job in protecting the flying public. I clearly believe that that needs to be a function of Government, and they are doing an excellent job. Part of it with having a law enforcement function in TSA, I commend the work of the police department here at the Los Angeles Airport. They did a fantastic job.

Ms. JACKSON LEE. Yes, they did.

Mr. COX. Very, very brave officers that ran right into the situation. But at the same token, TSA, they need law enforcement there. My good friend and colleague sitting beside me would not be looking to the Phoenix police department to provide the security for his officers. He wants to do that.

There needs to be some type of law enforcement inside of TSA to provide security at that checkpoint. There are still very large airport parking lots, all of those type things that have to be managed in an airport operation, and which we need the local law enforcement and the airport law enforcement to handle. But those checkpoints in TSA, it was one of ours that did not get to go home to his family.

Ms. JACKSON LEE. Thank you very much. Mr. Chairman, I yield back. Thank you very much.

Mr. HUDSON. Thank the gentlelady. The Chairman now recognizes—

Ms. JACKSON LEE. I apologize for having to depart at this time. Thank you.

Mr. HUDSON. Well, thank you for participating in this hearing. Thank you for your leadership.

Ms. JACKSON LEE. Thank you.

Mr. HUDSON. The Chairman now recognizes the gentlewoman from California, our host, if that is appropriate. We are in your Congressional district, so we appreciate you joining us. Ms. Waters, we now recognize you for any questions you may have.

Ms. WATERS. Thank you very much, and I certainly appreciate your being here. I would like to thank Homeland Security Committee Chairman Michael McCaul, Ranking Member Bennie Thompson, Transportation Security Subcommittee Chairman Richard Hudson, and Congresswoman Sheila Jackson Lee, who is sitting in for Ranking Member Cedric Richmond, for organizing this field hearing in my district entitled "Lessons From the LAX Shooting: Preparing for and Responding to Emergencies at Airports."

I want to begin by joining with my colleagues to honor the life and service of Gerardo Hernandez, the Transportation Security Officer who was killed in the line of duty during the active-shooting

incident on November 1, and I offer my deepest condolences to his family and friends. I also honor all of the TSOs, LAX police officers, and other first responders who risked their lives to stabilize the situation and protect the public on that tragic day.

This hearing follows the release of two reports on the November 1 incident, one by the Los Angeles World Airports and the other by the Transportation Security Administration, and I am concerned about some of what was revealed in those reports. But I am not worried because those things that were revealed, whether it is the red telephone, or the panic buttons, or even the interoperability, are things that can be fixed. I think that Ms. Lindsey and Chief Gannon have already talked about a quick response to those kinds of things. They have the resources to do it, and they certainly will do it.

I would like to just spend a moment, if I may, to talk about the need for a consistent law enforcement presence at TSA passenger screening checkpoints, such as the one where Officer Hernandez was killed. Now, let me just say this. I know that there are differences of opinion about this. What I am anxious to hear today and in the near future is that the discussion will continue. There may be things that can be tried. There may be alternatives. But what I do not wish to do is to simply have the issue put to rest at this time because I am concerned that there may be a better mousetrap. I am not sure.

Following the shooting incident, I discussed airport security issues with leaders of the American Alliance of Airport Police Officers. Following our discussion, I wrote a letter to TSA Administrator John Pistole in which I recommended that law enforcement officers be stationed within 300 feet of TSA passenger screening checkpoints. I have a copy of that letter with me today, and with the committee's consent, I will include it in the hearing record.

[The information follows:]

LETTER FROM HON. MAXINE WATERS

DECEMBER 19, 2013.

The Honorable JOHN PISTOLE,
Administrator, Transportation Security Administration (TSA), TSA-5 Administrator,
601 South 12th Street, Arlington, VA 20598.

DEAR ADMINISTRATOR PISTOLE: I write you today to express the importance of having law enforcement officers stationed within 300 feet of TSA passenger screening checkpoints and the need for airport police to have access to all airport security cameras.

It is my understanding that these two security recommendations were included in a September 2012 letter to you signed by Mr. Marshall McClain, President of the Los Angeles Airport Peace Officers Association (LAAPOA). In the aftermath of the tragic shooting incident at Los Angeles International Airport (LAX), I am deeply concerned that these issues have yet to be addressed by TSA. I expressed the importance of implementing these security recommendations in my statement during the House Homeland Security Committee Subcommittee on Transportation Security hearing entitled "TSA's SPOT Program and Initial Lessons from the LAX Shooting," on November 14, 2013. I believe that these recommendations will play a vital role in ensuring that all travelers and airport employees are safe in our Nation's airports.

As the Member of Congress who represents LAX, the safety and security of all of the people who work in and pass through LAX is of paramount importance to me. Following the tragic shooting incident at the airport, I met with representatives from the American Alliance of Airport Police Officers (AAAPO), including the Presidents of LAAPOA and the police associations of the Port Authority of New York and New Jersey (JFK, LaGuardia, and Newark airports) and Baltimore-Washington

International (BWI) airport, to discuss suggestions for addressing serious security gaps in our Nation's airport system. We all agreed that requiring a law enforcement officer to be located within 300 feet of a TSA passenger screening checkpoint and requiring airport police to have access to all airport security cameras are sensible and cost-effective steps that will significantly enhance the security of all major airports across the Nation.

In this regard, I urge you to immediately revisit and reevaluate the proposals put forth by the AAPO in their letter to you dated September 28, 2012, which I have enclosed for your reference.

Thank you for your time and attention to this matter. I look forward to your response.

Sincerely,

MAXINE WATERS,
Member of Congress.

APPENDIX.—LETTER FROM THE AMERICAN ALLIANCE OF AIRPORT POLICE OFFICERS

SEPTEMBER 28, 2012.

The Honorable JOHN PISTOLE,
Administrator, Transportation Security Administration, TSA-1 Administrator, 601
South 12th Street, Arlington, VA 20598.

DEAR ADMINISTRATOR PISTOLE: Thank you again for taking time this week to visit with our group to discuss our mutual goals of airport safety and security.

As a follow-up to our discussion, please find below the five major issue areas we discussed with specific examples and proposed solutions:

TSA and Airport Police Screening Point Breach/Incident Protocol—Immediate Notification

Issue.—When security breaches and/or incidents occur in TSA screening areas, TSA agents are attempting to investigate and/or self-correct breaches, exposing the travelling public to risk, delaying investigatory actions, and causing unnecessary travel disruptions.

Example.—In January 2012, two pipes which resembled pipe bombs were removed from a traveler's bag at LaGuardia Airport and set aside in a common area, prompting a security scare that was not reported to airport police until 6 hours later. See http://www.nypost.com/p/news/local/queens/bomb_botch_at_lag_cNNAisTre-OrBixGKlehnI.

Proposed Solution.—TSA must be required to immediately notify airport police of security breaches and/or incidents at passenger checkpoints. Standard operating procedures must be prescribed between TSA and airport police when dealing with security breaches and/or incidents at passenger and baggage checkpoints.

Real-Time Airport Police Access to Closed Circuit Security Cameras

Issue.—Most airports do not have a coordinated airport-wide closed circuit security camera system. Instead, TSA, airport management, tenants, vendors, and others own and operate camera systems without a common repository. Most importantly, there is no requirement that stakeholders provide airport police with a camera feed should a crime or incident occur. In all breaches, real-time access to video is essential to airport police containing and assessing situations. The absence of a standardization that requires that airport police must be provided real-time access to any camera system on airport property has led to unnecessary disruptions and numerous incidents when perpetrators have eluded detainment.

Example.—At Newark Airport in August 2012, traces of explosives were identified on the hands of a woman at the TSA screening point. TSA did not follow protocol and detain her for secondary screening nor did they immediately contact airport police when they realized their serious error. A half-hour after the incident when airport police were notified, TSA could not even identify which of the three screening areas within the terminal was the breach area. As a result, the terminal was shut down for approximately 3 hours, delaying travel and inconveniencing thousands of passengers. See <http://www.myfoxny.com/story/19199785/security-breach-at-newark-airport#ixzz22mr44BK7>.

Proposed Solution.—Any entity with security cameras at Category X airports must provide a real-time feed to the airport police's primary video surveillance system. Each entity is responsible for the cost of providing the feed.

LEO Podium Positions/Screening Rule—300 Feet of Screening Area

Issue.—Current statute requires that a law enforcement officer (LEO) "be able to provide prompt responsiveness to problems occurring at the screening points." The definition of "prompt" has been interpreted broadly.

Example.—At large New York City area airports, an officer must respond to “problems” at screening checkpoints within 5 minutes; a feat virtually impossible if an officer is charged with patrolling the entire terminal area and is performing other police functions. We share the concern you expressed about officer responses to TSA. The implementation of a 300-foot rule would address this matter and ensure a LEO is immediately prepared to answer TSA calls.

Proposed Solution.—A uniform standard should be applied to all Category X airports which would require a LEO within 300 feet of the passenger screening area.

Mandatory Screening for All Airport Employees and Armed TSA

Issue.—At various airports, prior to DHS permitting TSA to wear metal badges, all TSA employees were screened with other airport employees and passengers who enter the airport. TSA asserts that since they now wear metal badges that will set off screening alarms, they should be exempt from screening procedures. As a result, all TSA employees at LAX and any item they carry or have on their body (i.e. backpacks, purses, etc.) bypass the screening checkpoint.

Example.—At LAX, all airport employees must go through the TSA screening checkpoint except TSA, armed on-duty law enforcement officers, and Federal Flight Deck Officers (who also carry weapons). This issue is of great concern considering TSA agents have the potential of bringing prohibited, dangerous and/or illegal items with them to work. Similarly, at JFK, airport employees are permitted to enter the airport via a rudimentary metal turnstile that is located immediately off the tarmac without passing through TSA screening. Again, these airports are among the most vulnerable to terrorist attacks in this country. In addition, two TSA agents are armed at LAX. They are: Don McMullen, assistant Federal security director for TSA/Law Enforcement Division at LAX and a task force officer on the FBI’s Joint Terrorism Task Force, and John Lingram, TSA assistant special agent in charge at LAX and a former Federal air marshal.

Proposed Solution.—Policy should revert to pre-badge protocol which required TSA employees go through the TSA screening checkpoint before entering secure areas of the airport.

TSA Mission Creep/Definitive LEO and TSA Roles

Issue.—TSA agents are charged with screening every passenger and bag boarding commercial aircrafts. TSA agents are not law enforcement officers and are not trained nor equipped to perform police work. Airport police officers are vetted, attend an academy, and continually receive criminal policing, hijacking, and terrorist training. They are not screeners and do not seek to perform TSA-specific duties. TSA has expanded the scope of their authority beyond screening areas to more traditional “police” work without clear lines of delineation with airport police, jeopardizing public safety, contributing to a break in chain-of-command, and delaying timely law enforcement responses. This “mission creep” threatens the security of the airport.

Example.—TSA’s Behavior Detection Officer (BDO) program, which is designed to detect threat behavior patterns, has received almost universal criticism for its cost, lack of effectiveness, and racial profiling claims. Our officers have become frustrated with the program as BDO’s have not produced a viable terrorist threat at any of our airports, yet many police hours have been expended in dealing with BDO claims to no avail. See <http://www.nytimes.com/2012/08/12/us/racial-profiling-at-boston-airport-officials-say.html?pagewanted=all> and <http://www.gao.gov/assets/310/304510.pdf>.

Proposed Solution.—TSA employees who are not trained as Federal law enforcement officers should be restricted to conducting passenger and bag screening and agents should have no jurisdiction beyond passenger and baggage screening checkpoints. A pilot program should be conducted at two or three Category X airports to test the feasibility of only airport police, who have the foundational LEO training, knowledge of the specific airport environment, and ability to make arrests, to perform behavior detection activities in order to determine the efficiency, effectiveness, and cost comparisons between airport police BDO and TSA BDO programs.

The members of the American Alliance of Airport Police Officers have a long and productive history and respected relationships with numerous Federal partners including the FBI, Customs, and airplane-based Federal Air Marshals. The key to the success of our mutual efforts is that each participant has clear definitions of responsibilities. The only Federal entity with which our officers experience constant tension is with TSA non-law enforcement operations. It is important that we address the underlying issues and adjust our interactions to serve our mutual mission of keeping airports safe.

In this vein, we hope you will thoroughly review and advance our recommendations. As we discussed, all airports are not created equally. Our airports are among the most-trafficked and terrorist-targeted in the country and world. The rank-and-file officers we represent are fully committed to our mission and we seek to have a productive and more defined relationship with TSA to accomplish this goal. The implementation of these five initiatives would promote these efforts.

We look forward to your responses and to working with you, House Homeland Security Chairman Peter King, and others to address these important concerns.

Sincerely,

MR. MARSHALL MCCLAIN,
President, Los Angeles Airport Peace Officers Association.

MR. PAUL NUNZIATO,
President, Port Authority Police Benevolent Assoc. Inc.

Ms. WATERS. I was pleased to learn that TSA was responsive to the concerns that I raised and addressed this issue in its report. Specifically, TSA issued recommended standards calling for an increased presence of law enforcement officers at high-traffic locations within the airport, such as peak travel times, and checkpoints, and ticket counters. However, TSA still does not require that law enforcement officers be consistently present at these checkpoints, even during aforementioned peak travel times.

The LAWA report, on the other hand, does not address this issue at all. LAWA implements a flexible response approach to security, which allows police officers to roam around the airport, but does not specifically require them to be present at the passenger screening checkpoints. The fixed-post approach by contrast requires a police officer to be stationed at each passenger screening checkpoint. Airports and local police departments that support the flexible-response approach have argued that this approach provides visibility of police officers throughout the airport, and less predictability for those who are intent on doing harm.

I realize that a consistent law enforcement presence at TSA screening checkpoints is a controversial issue. However, I would argue that the fixed-post and flexible-response methods are not mutually exclusive. A major airport, like LAX, can have police officers at every screening checkpoint and still have additional officers patrolling the airport. If the United States Capitol complex where we work in Washington, DC can have police officers stationed at security checkpoints as well additional officers patrolling the vicinity, then I think it is possible for LAX.

Some airports and local police departments have also argued that stationing a police officer at every screening checkpoint is just too expensive, but I do not accept that particular argument. I do not want to compromise airport security in order to save money by paying for fewer police officers. Regardless of which local, State, or Federal agency is responsible for stationing officers at TSA screening checkpoints, a consistent law enforcement presence at these checkpoints is critical.

I, therefore, look forward to a frank discussion regarding TSA checkpoint security today and in the future. However, I firmly believe that we should not adjourn without at least continuing to address this issue, and I want to thank Chief Gannon for his perspective on this. He gave me a new insight about predictability and the fact that if it is known that there is an officer at the checkpoint, they become easy targets. I appreciate that.

I want to thank Mr. Cox because you gave us another way to look at this. You talked about how this possibly could be done. That is why I think it is so important to continue the discussion because I think we can be creative, and we can try things. I think there is no reason why we cannot take several ideas, try them out, see what works best. But I do not want to give up on this discussion.

I thank you for allowing me to be here today, and I thank all of you for the wonderful tour that you gave us today. It certainly gave us a better insight. This is an important facility. LAX is the economic engine of this area, all of the South Bay and my district. I appreciate you. I appreciate all of the tremendous responsibility that you have. I want to be part of the solution, not part of the problem. Thank you very much.

Mr. HUDSON. I thank the gentlelady. Now I recognize the gentlelady from California, Ms. Brownley.

Ms. BROWNLEY. Thank you, Mr. Chairman, and I want to thank you, and Chairman McCaul, and Ranking Member Thompson for having this important hearing here today. As someone who travels every week, as my colleague, Ms. Waters, and I both do, to and from LAX, I have to say I feel very, very safe. But as Chairman McCaul mentioned, we cannot be complacent, and I think this incident informs us on changes we need to make to improve all of our security.

I want to thank Chief Gannon and all of the men and women who serve with you to protect us here at LAX, and to Mr. Pistole, and all of the TSA Officers who work very, very hard every single day, and who put their protection or put our protection over theirs every single day to ensure our safety. I have to state that with serving, I believe, over 200,000 people every single day here at LAX, it is like a major public event that takes place every single day.

So I want to thank all of the witnesses who are here today and their willingness to answer our questions. Hopefully the very tragic death of Transportation Security Officer Gerardo Hernandez and the wounding of other TSA employees and a passenger at LAX on November 1 will never, ever happen again. But it is incumbent on all of us to work together to identify possible improvements to safety and security for TSA employees and our traveling public.

However, the shooting also raised another serious issue, and one that I believe we must address. As you know, current law does not provide TSA Officers with death benefits like those offered to firefighters, police officers, FBI agents, or State troopers. I am just naming a few of the law enforcement personnel who all receive death benefits. That is why I have introduced the Honoring Our Fallen TSA Officers Act, which seeks to remedy this inequity.

My bill would amend Federal law to provide for the eligibility of a TSA employee to receive public safety officers' death benefits. As we have learned today, and the two TSA Officers who are here with us today, Officers Grigsby and Speer, and all the TSA employees who demonstrate courage and bravery every single day in hopes of never having another November 1 incident. God forbid that an incident like this ever happens again as well as the husband of Ms. Hernandez, who is with us today. But if another TSA

Officer ever dies in the line of duty, I believe that these benefits are critically important to their families.

So with that, I wanted to ask Mr. Pistole, having served in the FBI and now with TSA, what is your opinion on whether TSO or TSA Officers should be afforded the same benefits as the Federal partners that help to secure this country every single day?

Mr. PISTOLE. Well, first, Congresswoman, let me thank you for initiating the bill to recognize TSA employees as public safety officers to receive that benefit. Obviously it would be a tremendous benefit to TSA overall, particular to the Hernandez family, in this instance. You're right, hopefully would never be needed again, but I greatly appreciate your initiation and support of that, and would hope that that would come to fruition retroactively obviously, and then be proactive in terms of any future losses. Tremendous appreciation and support. On behalf of all the men and women of TSA, thank you.

Ms. BROWNLEY. Well, thank you very much. You know, I certainly would appreciate it if you and the organization could, and I know you have taken a look at the bill. But if you could take a deeper look at the bill and provide any feedback as we move forward with it, I would appreciate it very, very much.

I see that my time has almost expired, so I will yield back, Mr. Chairman.

Mr. HUDSON. Thank the gentlelady. I would like to recognize the Chairman of the full committee for any closing statement you may have, Mr. McCaul.

Chairman MCCAUL. Thank you, Mr. Chairman. Let me just say again to Ana, our thoughts and prayers are with you. I know we can never undo what has been done, but we want to make you whole again as much as we possibly can. We are determined to help you.

To Administrator Pistole, thanks for the fine job that you do and your officers do under very, as I said, difficult circumstances, particularly in this case. Chief Gannon, the response time of your officers responding to the threat in less than 5 minutes is to be commended.

Finally, Ms. Lindsey, I did not get to ask you a question, but I did want to close by commending you as well for the model that you have created of cooperation in your command center. I think it is important that the general public be aware of what you have done even before this incident, but more so after, pulling together the relevant agencies to work together to better prevent threats like this from happening. Again, very similar to a joint terrorism task force mode where you bring all the relevant players into the same room with video equipment so that God forbid something like this happens again, we will be able to respond very quickly and protect the traveling public.

So with that, I will just close by saying, Mr. Chairman, thank you for your leadership in holding this hearing. To Maxine Waters, thanks for hosting us in your fine district. You are a very lucky woman. The weather is very nice here.

[Laughter.]

Chairman MCCAUL. It is a little bit better than Washington, DC right now.

Ms. WATERS. Yes.

Chairman McCAUL. Again, Mr. Chairman, thanks for your leadership.

Mr. HUDSON. Thank you, Mr. Chairman. I thank our witnesses for your testimony and the Members for your questions today. I have committed to working together in a bipartisan way to look at lessons learned to make sure that Officer Hernandez did not die in vain, to do what we can as our responsibility as representatives of the people to go forward and make this country safer for the flying public, to assist the law enforcement TSA airport administrators around the country and the tough job they do every day. So I thank you for making this possible.

I would point out that Members of the subcommittee may have some additional questions for the witnesses, and we ask that you respond to these in writing. But without objection, the subcommittee stands adjourned.

Ms. WATERS. Mr. Chairman, before you——

Mr. HUDSON. You caught me before I hit the gavel. The Chairman recognizes Ms. Waters.

Ms. WATERS. I need unanimous consent just to take care of something I did not care of. I just really realized that Mr. Tony Grigsby and Mr. James Speer, the officers who were shot, are here.

Mr. HUDSON. Yes, ma'am.

Ms. WATERS. I just wanted to thank you so very much. I am so pleased that you are getting well and you are back to work. Thank you so much. Thank you, Mr. Chairman.

Mr. HUDSON. Yes, ma'am. Without objection——

[Laughter.]

Mr. HUDSON [continuing]. The subcommittee stands adjourned.

[Whereupon, at 2:21 p.m., the subcommittee was adjourned.]

APPENDIX

QUESTIONS FROM CHAIRMAN MICHAEL T. McCAUL FOR JOHN S. PISTOLE

Question 1. Does TSA consider legislative report language to be legally binding?

Answer. The Government Accountability Office (GAO), in its Principles of Federal Appropriations Law, states that legislative report language “will not be used to add requirements that Congress did not include in the statute itself.” The GAO adds that legislative report language ordinarily will not be used to controvert clear statutory language. In *Cherokee Nation v. Leavitt*, the Supreme Court expressly stated that legislative report language does not bind Executive agencies. 543 U.S. 631, 646 (2005) (“(L)anguage contained in Committee reports is not legally binding.”) In adhering to the Supreme Court ruling and the GAO guidance, the Transportation Security Administration (TSA) makes every effort to be responsive to legislative report language.

Question 2. TSA has stated that it is able to perform screening operations at “3 to 9 percent” greater cost efficiency than Screening Partnership Program (SPP) contractors providing the same security service. Does the Federal Cost Estimate (FCE) TSA utilizes to set maximum allowable price bids in SPP contract solicitations represent TSA’s costs for providing security screening services or does it represent the total cost to the Federal Government?

Answer. The reference made to 3 percent to 9 percent is from a Government Accountability Office (GAO) report update in 2011 (GAO-11-375R) which included alternative approaches to formulating estimates. As reflected in the report, this range was for a point in time and was a composite average for all participants in the program. Estimates vary from airport to airport and are dependent on security requirements, which are known to change as a result of such things as changes to the configuration of the airport, passenger throughput, and equipment requirements. Although TSA calculates all relevant costs, only those that impact TSA’s budget are included in the Federal Cost Estimate included in the Request For Proposal.

The Transportation Security Administration (TSA) is currently pursuing an independent study of the Screening Partnership Program as related to cost and performance comparisons. TSA intends to include, as part of this study, a full assessment of the existing methodology, proposed changes and potential impacts of implementing those changes. This independent report is expected to be provided to GAO for its review within 1 year of enactment of the fiscal year 2014 budget.

Question 3. If a contract is awarded below the FCE then is that contract more cost-efficient than using Federal screeners?

Answer. The Transportation Security Administration awards contracts under the Screening Partnership Program that provide the best value to the Government and do not compromise security or detrimentally affect the cost efficiency or effectiveness of screening passengers or property as required by the FAA Modernization and Reform Act of 2012 (Pub. L. 112-95). Upon conclusion of the evaluation process which includes Federal Cost Estimate criteria, the award is made to the responsible Offeror whose proposal, conforming to the solicitation, will be most advantageous to the Government.

Question 4. TSA staffs exit lanes at airports that they have deemed collocated with the passenger screening checkpoint. At present, there is no Nation-wide standard that defines or measures how the TSA determines which exit lanes are collocated versus non-collocated with a passenger screening checkpoint. What specific criteria does TSA use to determine which exit lanes are considered collocated with a passenger screening checkpoint?

Answer. The Bipartisan Budget Act required the Transportation Security Administration (TSA) to continue to meet access control responsibilities for exit lanes for those lanes where TSA was meeting those responsibilities on December 1, 2013. As required by the Bipartisan Budget Act, TSA staffs the required exit lanes regardless of whether or not the exit lane is collocated.

Question 5. Is it TSA policy to not staff exit lanes that are modified or reconfigured after December 12, 2013?

Answer. In cases where airport remodeling or reconfiguration of an exit lane is such that the location essentially remains the same, exit lane access control responsibilities will be staffed in the same manner it was staffed on December 1, 2013. If remodeling, reconfiguration, or construction significantly changes the location of existing exit lanes, requiring additional staffing and resources, TSA is not statutorily obligated to monitor those exit lanes. TSA intends to continue to assess options for realizing efficiencies and appropriately satisfying access control functions.

QUESTIONS FROM RANKING MEMBER BENNIE G. THOMPSON FOR JOHN S. PISTOLE

Question 1a. The report TSA released on March 26, 2014, titled *Enhancing TSA Officer Safety and Security: Agency Actions and Path Forward*, states that the agency will issue “recommended standards” which call for increased law enforcement presence at passenger checkpoints at peak travel times.

With the majority of airports now using the flexible-response model for responding to incidents at passenger checkpoints, why is the agency issuing recommended standards rather than mandating that police officers be stationed at passenger checkpoints at peak travel times?

Answer. The Transportation Security Administration (TSA) considered a variety of options to enhance law enforcement presence at checkpoints during peak travel times, but decided against mandating this requirement after receiving significant feedback from airport law enforcement and stakeholder groups. While TSA and law enforcement stakeholders believe placing police officers at checkpoints during peak travel times is a desirable and prudent goal, the stakeholders also believe strongly that airport law enforcement entities need the flexibility to be able to respond to incidents anywhere on airport property. As a result, TSA chose to maintain the existing law enforcement requirements codified in the current Security Directive and Airport Security Programs, and instead, issued a recommendation via Information Circular IC 14-01 to increase law enforcement presence during peak travel times at high-traffic locations to provide visible deterrence and quicker incident response time.

Question 1b. Please explain for the subcommittee how and the extent to which TSA trains its workforce on how to utilize communications equipment so that the workforce can effectively communicate with State, local, and Federal partners during an emergency.

Answer. The Transportation Security Administration (TSA) employees are trained to use multiple methods of communication. Transportation Security Officers (TSOs) utilize Land Mobile Radios to communicate from the checkpoint to the TSA Coordination Center. The TSOs have also been provided with local police emergency phone numbers and are encouraged to program these numbers into their personal cell phones. At some airports, Duress Alarms and Red Phones are available to notify either the local law enforcement or airport operations center of an emergency; and TSA is working to install these devices at all airports. Training on radio communications for the TSOs is conducted on TSA’s On-Line Learning Center, followed by localized On-the-Job training to address nuances due to the different layouts and checkpoint configurations at the various airports. The Coordination Centers are responsible for communicating with State, local, and Federal partners during an emergency utilizing the Voice Over Internet Protocol Phone or cell phone. Other forms of communications utilized by the Coordination Centers include the High-Frequency Radios and Satellite Phone. The Coordination Centers also monitor the Transportation Events Network, a 24/7 National-level alert network conducted over a teleconference bridge which enables the airports to have situational awareness of incidents at other airports.

Question 1c. Please explain for the subcommittee the role of the Aviation Security Advisory Committee during TSA’s review of the active-shooter incident at Los Angeles International Airport on November 1, 2013.

Answer. The Transportation Security Administration hosted three stakeholder meetings throughout the review process (November 7, 2013, January 8, 2014, and March 21, 2014) and invited the stakeholders to provide input and feedback to the agency review of the Los Angeles International Airport shooting and proposed actions. While the Aviation Security Advisory Committee (ASAC) was not formally convened, 22 of the 31 organizations who sent representatives to one or more of these sessions are affiliated with the ASAC.

Question 1d. What protocols are Transportation Security Officers trained to follow when they identify a weapon either on a passenger’s person or in their carry-on bags?

Answer. If a weapon is identified on a passenger, the protocol for the Transportation Security Officers (TSO) is to stop the screening process and notify the supervisor. The supervisor will call for a local law enforcement officer. If the weapon is identified in the passenger's carry-on bag, the TSO will maintain control of the bag and notify the supervisor. The supervisor will call for a local law enforcement officer.

Question 2a. The President's budget for fiscal year 2015 proposes a decrease in Visible Intermodal Preparedness and Response (VIPR) teams from 37 total teams to 33. In the aftermath of the LAX shooting, TSA responded by adjusting the ratio of VIPR teams from 30–70 ground-to-aviation ratio, to 50–50.

Given the large number of airports that could benefit from the deterrence and mitigation factor that VIPR teams are intended to provide, how do you envision the proposed reduced number of VIPR teams being an effective tool for securing checkpoints going forward?

Question 2b. What resources are in place to help TSOs in the immediate aftermath of tragic events such as the shooting at LAX on November 1, 2013, in terms of coping with the stress and other mental issues that undoubtedly stem from such a tragedy?

Answer. To increase the security of Transportation Security Administration (TSA) personnel and passengers at checkpoint areas, TSA has implemented the use of Visible Intermodal Prevention and Response (VIPR) resources at airports nationwide to augment current transportation security and law enforcement resources at the airports. The proposed decrease in VIPR teams in fiscal year 2015 should have minimal impact on program effectiveness as TSA will maintain its VIPR operations in those areas of highest risk, including at the checkpoint.

TSA has an Employee Assistance Program (EAP), which is contracted through Federal Occupational Health. The EAP includes crisis management, personal and group counseling, and referral services for all TSA employees and their immediate families. EAP services are available to all TSA employees 24 hours a day, 7 days per week, via a toll-free number. EAP played an important role in assisting Los Angeles International Airport management and staff in the aftermath of this tragedy by providing individual and group counseling services throughout the months of November and December 2013.

Question 3a. During an emergency, people look to uniformed personnel for direction. In the checkpoint environment the first uniformed personnel a passenger is likely to see will be a Transportation Security Officer.

Are Transportation Security Officers trained in crisis management and incident management?

Answer. The Transportation Security Administration's (TSA) Transportation Security Officers (TSOs) are trained to respond to a variety of emergencies at the airport. The TSOs regularly exercise emergency drills that apply to a wide variety of scenarios to include fire, natural disaster, and active shooter. Following the LAX shooting, TSA incorporated a reminder in shift briefs requiring that supervisors conduct briefings for employees regarding evacuation routes and rendezvous points identified in the local mitigation plan. As an additional measure in the aftermath of November 1 shooting, TSA issued an Operations Directive which requires every TSO to participate twice per year in an evacuation drill that includes a physical orientation of evacuation routes, rally points, and shelter-in-place locations. TSA also regularly conducts security breach drills to practice what to do when a violation occurs in a sterile area. TSA has also mandated the workforce take the Federal Emergency Management Agency Active-Shooter Training Course. Local management personnel also conduct tabletop and live exercises, often with local stakeholders, to exercise the Tactical Response Plans including Continuity of Operations.

Question 3b. A contract airport service worker first called in the shooting and another service worker encountered the shooter and was able to describe him and help identify his location in the terminal for police personnel. There are some 8,900 service workers at LAX, spread throughout the terminals in far greater numbers than TSA employees and LAWAPD personnel combined. Given the role these workers played as eye-witnesses and as the "first-first responders," wouldn't it benefit everyone for these workers to receive training aimed at honing their observation and communication skills to be able to work effectively with authorities and the public in emergency situations?

Answer. Yes. TSA recently released an Information Circular with recommendations to train personnel and airport stakeholders in active-shooter security measures and exercise active-shooter plans bi-annually. The Federal Emergency Management Agency offers a free Active-Shooter Training Course which is accessible to the public. In addition, local TSA management invites stakeholders to participate in Tactical Response Plans exercises for a multitude of scenarios.

Question 3c. TSA and FEMA administer the Transit Security Grant Program, which funds major costs associated with preparedness training for workers on the Nation's public transit systems. There does not appear to be a similar program for airport workers. Would you be in favor of creating a new program for airports similar to the existing program for transit or adapting an existing grant program to serve this purpose?

Answer. The Nation's airport system has sufficient programs and structure to provide preparedness training for those who work in the Nation's aviation system. Airport operators are required by TSA regulations to provide security awareness training or advanced training on specific measures that can be applied to mitigate immediate or expected threats. Airport operators also conduct annual preparedness and response exercises as required by their Airport Security Program. Collectively, the aviation industry currently provides training to all workers in the aviation environment.

Question 4a. The report TSA released on March 26, 2014, titled *Enhancing TSA Officer Safety and Security: Agency Actions and Path Forward*, states that the agency will expand duress alarm coverage at screening locations in airports across the Nation in response to the shooting at LAX on November 1, 2013, and subsequent review.

What procurement vehicle does TSA intend to use to acquire the additional 4,500 duress alarms the agency has announced it will install across the country?

Question 4b. What is the anticipated cost of the procurement and installation of the new duress alarms?

Answer. The Transportation Security Administration (TSA) is using the Security Equipment Systems Integration Multiple Award Indefinite Delivery/Indefinite Quantity contract for the procurement of the duress alarms.

TSA is currently evaluating the proposals received for this effort. The Government's estimate is one of many tools utilized to validate cost and therefore procurement-sensitive.

LESSONS FROM THE LAX SHOOTING: AIRPORT AND LAW ENFORCEMENT PERSPECTIVES

Thursday, May 29, 2014

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON TRANSPORTATION SECURITY,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The subcommittee met, pursuant to call, at 2:31 p.m., in Room 311, Cannon House Office Building, Hon. Richard Hudson [Chairman of the subcommittee] presiding.

Present: Representatives Hudson, Rogers, Brooks, Richmond, and Swalwell.

Mr. HUDSON. The Committee on Homeland Security, Subcommittee on Transportation Security, will come to order.

The subcommittee is meeting today to hear testimony examining lessons learned and law enforcement perspectives from the LAX shooting.

I recognize myself for an opening statement.

I will start by saying I apologize for the late start. But Congressman Swalwell and I have to live by the bells here and vote when we have got to vote and so we apologize to everybody who has been waiting, but we really appreciate you being here.

The subcommittee is meeting today to continue its review of lessons learned from the senseless act of violence that occurred at Los Angeles International Airport last year and we are here to assess how we can better secure our Nation's airports and transportation systems.

On the morning of November 1, 2013, a lone gunman entered LAX's Terminal 3 and brutally shot and killed Transportation Security Officer Gerardo Hernandez while also shooting and wounding one passenger and two other TSOs, who had heroically stayed behind to assist an elderly gentleman in evacuating the checkpoint.

The LAX shooting resulted an inspiring display of bravery by emergency first responders, law enforcement officers, and TSA personnel. In March, I, along with Chairman of the full committee Mike McCaul, full committee Ranking Member Thompson, and several other Members traveled to LAX and conducted a site visit and a field hearing, and we were able to meet with first responders who were there that day and to better understand and comprehend the complexity and the scope of the response that day to the shooting.

While I remain impressed by the planning and execution of the incident response at LAX, it is incumbent upon this subcommittee

and TSA to ensure that airports of all sizes are aware of best practices and security incident response and are prepared to work together with law enforcement to mitigate such events in the future.

As our Nation faces an evolving threat landscape that focuses in on soft targets, as we have seen in the tragic bombings of the Boston Marathon, we all must recognize the vulnerabilities airports present and need to be adequately prepared to handle such events.

Indeed, airports around the world have experienced such incidents in the past. The Frankfurt airport shooting, the Moscow airport bombing in 2011, as well as the Glasgow airport car bomb in 2007, show a history of attacks perpetrated against the unsecured areas of airport facilities.

With approximately 450 Federalized airports in the United States, effective coordination between law enforcement, airport operators, first responders, and TSA is critical to protecting the public in an emergency and in mitigating an incident as quickly as possible.

I believe that better interoperable communications, regular emergency response and evacuation drills, equipment testing, and well-articulated response plans are the basis for accomplishing this objective.

These observations reflect lessons learned from the LAX shooting as we saw some confusion and delay in establishing an incident command post, communicating effectively between responding agencies and keeping the public at LAX informed as to what was happening and where they should go for safety.

The after-action review conducted by LAX admits that normal operations could have resumed much sooner had the response effort been better coordinated.

I look forward to hearing from our witnesses, their own thoughts on security incident response and how their airports are prepared to deal with such events. I also am eager to hear your thoughts on TSA's after-action review and recommendations for enhanced law enforcement presence at ticket counters and security checkpoints during certain peak travel times.

While TSA is responsible for screening passengers and helping to prevent acts of terrorism against the aviation sector, the overall security and safety of the airport environment primarily lies with airport, local, and State law enforcement actions stationed in and around the airport.

Whether it be an active shooter or an individual breaching perimeter security and stowing away in the wheel well of an aircraft, it is important for the subcommittee to understand the unique challenges facing the airport stakeholders and what can be done to detect and respond to perceived and known threats.

I thank the witnesses again for being here and look forward to their testimony.

I now recognize the Ranking Member of the subcommittee, the gentleman from Louisiana, Mr. Richmond, for his opening statement.

Mr. RICHMOND. Thank you, Mr. Chairman. Thank you for calling the hearing today.

Your continued focus on the tragedy events that resulted in the death of Transportation Security Officer Hernandez is appreciated.

I would also like to thank our panel of witnesses for being here today.

Mr. Capello and Mr. Landguth will provide the airports' perspective on how the tragic events at Los Angeles International Airport on November 1, 2013, prompted changes in preparedness and response planning for similar events.

Mr. Murphy, president of the Airport Law Enforcement Agencies Network, will share with us the collective sentiment and strategies being implemented by airport law enforcement agencies across the Nation.

We learned a great deal about the response on the day of the shooting and what can be done to improve upon that response from the respective reports released in March by the Transportation Security Administration and Los Angeles World Airports. Those reports expose several flaws and identified viable solutions that can and should be implemented to ensure that similar future incidents are mitigated or deterred altogether.

Today, we have the opportunity to understand how the airport law enforcement community and individual airports are implementing these recommendations and learn about what more can be done.

Having said that, Los Angeles World Airports as well as other airports throughout the Nation, cannot implement all of the reforms necessary without assistance from local and Federal partners. A significant portion of the reports address the need for interoperable communications and reliable emergency infrastructure and the technology advanced society that we live in; it is hard to accept that some panic buttons within airports do not work and that we cannot figure out a way to ensure first responders can communicate seamlessly during an emergency.

Undoubtedly, Federal funds and resources will be required to ensure all of the needed reforms are implemented. That places the onus on Congress to provide the funding needed to make planned reforms a reality.

Mr. McClain, thank you for being here today. Your perspective is extremely valuable. In your position as president of the Los Angeles Airport Peace Officers Association, your insight comes from having first-hand experience at LAX on that tragic day. I am interested in hearing more about the concerns you outline in your prepared testimony regarding airport law enforcement's interaction with the Transportation Security Administration.

Given that law enforcement and TSA share a common goal, the safety and security of the traveling public, it was troubling to read in your testimony that recommendations made to TSA prior to the shooting were not acted upon.

Before yielding back, I would like to emphasize the important work Transportation Security Officers do to protect our Nation against attack. As Mr. McClain points out in his prepared testimony, airplanes and airports remain desired targets of terrorists around the world. Unfortunately, there is a tendency to marginalize that threat as we become consumed with the desire to expedite screening for larger and larger segments of the population.

Officer Hernandez reported to work at LAX on November 1, 2013, with the goal of ensuring our aviation sector remains secure

and passengers could travel freely. In a senseless act of violence, his life was cut short while working to protect the rest of us. Today we will strive to identify ways to better safeguard the officers we task with keeping our aviation sector secure.

Mr. Chairman, I am looking forward to working with you on legislation derived from the subcommittee's oversight work that will enhance preparedness and response capabilities at airports when incidents occur.

Before yielding back, I would ask unanimous consent that a collection of news articles regarding the November 1 shooting at LAX provided to the committee by the Service Employees International Union be inserted into the record.

Mr. HUDSON. Without objection.

[The information follows:]

ARTICLES SUBMITTED FOR THE RECORD BY HON. CEDRIC RICHMOND

MAY 29, 2014

REPORTS DEPICT UTTER CONFUSION AFTER LAX SHOOTING

CBS/Associated Press, March 18, 2014, 7:15 AM

<http://www.cbsnews.com/news/reports-depict-utter-confusion-after-lax-shooting/>

A report on the emergency response to last year's shooting at Los Angeles International Airport cites serious shortcomings in communication between agencies that left major commanders in the dark and a long lag in establishing a coordinated response.

An early copy of the report to be presented to airport commissioners Tuesday was obtained by The Associated Press.

It cites the "heroism" of officers who shot and took suspect Paul Ciancia into custody after he'd allegedly killed a Transportation Security Administration officer and injured three people Nov. 1.

But it details lapses in coordination and technology between police and fire departments, which set up separate command posts that didn't unify for 45 minutes.

The report says police and fire commanders arrived on the scene with no idea where to go or what the others were doing.

Suspect Paul Ciancia, 24, was shot and quickly subdued by police. The Pennsville, N.J., native has pleaded not guilty to 11 federal charges, including murder of a federal officer.

A separate, union report obtained by the AP last week said thousands of LAX workers had no idea what to do when the gunman opened fire in a terminal—because they were inadequately trained to deal with an emergency.

Members of SEIU United Service Workers West—sky caps, baggage handlers, wheelchair attendants and janitors—weren't prepared for an evacuation, were hampered by poor communication, and were essentially on their own during the chaos, as panicked, fleeing passengers ran onto the tarmac and dove onto luggage conveyor belts. In some instances, passengers were left alone in wheelchairs during the shooting.

Many issues outlined in the union report and by the airport itself were identified as deficient in 2011 by a special panel of experts convened by the former mayor to review public safety at LAX. Los Angeles World Airports began revamping emergency plans that were to be completed last summer. But in June, the airport commission gave the contractor 18 more months.

LAX spokeswoman Nancy Castles said in an email that the airport's review will discuss including the "airport-wide community" in emergency response efforts.

Peter Goelz, former managing director of the National Transportation Safety Board and an aviation safety and security consultant, said a lack of coordinated planning during an emergency can be a "fatal flaw" that endangers the public and workers.

"The airline industry and airports in particular have spent hundreds of millions of dollars since 9/11 in emergency response preparedness and upgrades, and the reality is that for airport service workers, they're always the last ones considered in the planning even though they have absolutely the most direct contact with passengers," said Goelz, who had no role in the report.

The union conducted the study after the airport declined to include its members in a comprehensive review of the emergency response slated for release Tuesday. “Passengers are placed at greater risk as a result of a lack of effort on the part of the airport authority to include these workers in emergency response coordination and communications, as well as a lack of training and investment in the contract service workers who provide passenger services on behalf of the airlines,” according to the report by the union that represents about 2,500 of the 8,900 service workers at LAX.

The union report, which will be released this week, calls for emergency response training, participation in drills, and specialized training for people who deal with disabled passengers or security.

The AP previously reported that the airport investigation found several lapses that led to a delayed response. The only two armed officers on duty in Terminal 3 were out of position when the shooting began; medical help wasn’t quickly provided to the TSA Officer who died; and an emergency phone system and panic buttons weren’t updated or, in some cases, even working.

Airport officials said in a recent hearing that they’re creating teams to update travelers during emergencies and improve the public announcement system, which currently can’t broadcast throughout the airport. They said the review also looks at providing more evacuation training and instruction to employees on how to shelter large numbers of people.

The union report detailed multiple instances where airport service workers were critical to the emergency response. One service worker was the first to alert airport police dispatch about the shooting. A union security worker pointed responding officers toward the gunman. Moments earlier, the worker had faced the gunman, who repeatedly asked him, “Where is TSA?”

While TSA Officers followed practiced emergency procedures, union officials said workers were given little or no direction during the attack and the airport shutdown that lasted more than five hours. More than 23,000 travelers were evacuated or held in areas without official explanation or information. Much information—even for airport workers—was obtained through news reports, social media, and messages from family and friends.

Fanny Fuentes, who rotates between airport jobs and has worked at LAX for 14 years, was in Terminal 1 when 15 passengers tried to enter the terminal from the tarmac.

“They were running right by the planes on the airfield, probably about 10 to 15 feet away from them, which is really dangerous, especially close to the engines,” Fuentes said.

When someone yelled that there was a shooting inside the terminal, a crowd of about 100 travelers ran outside toward the runway. Disabled and elderly passengers were left unattended as people fled.

“They were just sitting there shaking like, ‘What is going to happen to us?’” Fuentes said.

The union report, which didn’t compare emergency readiness at other airports, also cites multiple instances when radios issued to some workers failed because of battery or transmission problems. Veteran workers said the airport provided inadequate or no training on evacuation routes and procedures.

Multiple employees said they were better prepared for emergencies because of training at previous jobs at places such as Taco Bell, Disneyland, or Wal-Mart.

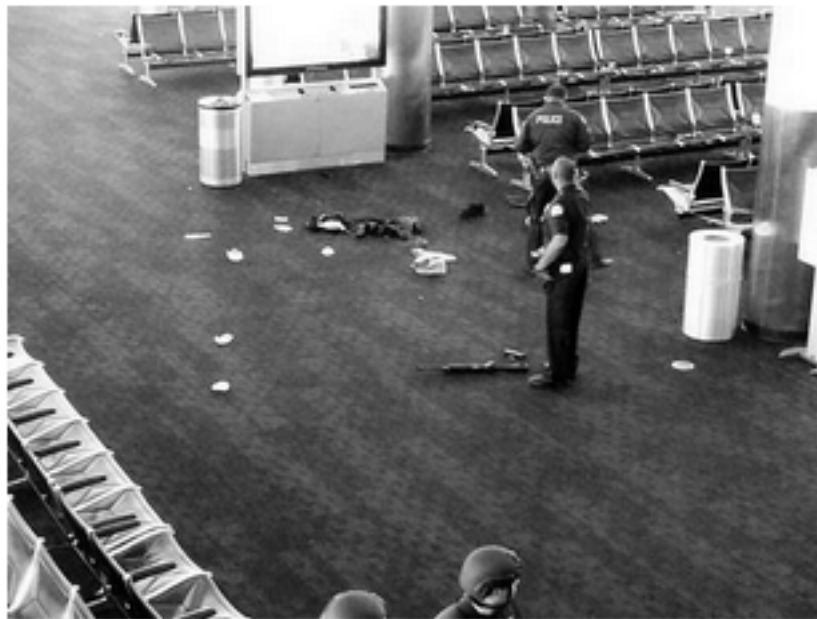
LAX REVIEW FINDS INADEQUACIES IN AIRPORT’S WARNING SYSTEMS, MASS
COMMUNICATION

Brenda Gazzar, Los Angeles Daily news, March 18, 2014

<http://www.whittierdailynews.com/general-news/20140318/lax-review-finds-inadequacies-in-airports-warning-systems-mass-communication>



Los Angeles Mayor Eric Garcetti held press conference Tuesday morning in response to After Action report on November 2013 shooting death at LAX. Photo By Robert Casillas / Daily Breeze



FILE.—In this Nov. 1, 2013 file photo provided to the AP, which has been authenticated based on its contents and other AP reporting, police officers stand near a weapon at the Los Angeles International Airport after a gunman opened fire in the terminal, killing one person and wounding several others. A report on the emergency response to the shooting cites serious shortcomings in communication between agencies that left major commanders in the dark and a long lag in establishing a coordinated response. (AP Photo/File)

In responding to last year's fatal Terminal 3 shooting, Los Angeles International Airport officials had an inadequate emergency alert and warning system, failed to focus on incident command basics and fell short in communicating to passengers, a report released Tuesday found.

The 83-page broad internal review, conducted with an outside consultant, called the overall response "successful" but shed light on lessons learned following the Nov. 1, 2013, shooting.

Los Angeles Mayor Eric Garcetti hailed LAX officers for responding "expertly and heroically" in quickly stopping suspect Paul Ciancia, a Sun Valley resident who had allegedly targeted TSA Officers and had more than 100 unused rounds of ammunition. The shooting left Transportation Security Administration Officer Gerardo Hernandez dead and three others, including two TSA Officers, wounded. Ciancia has been indicted on 11 counts in relation to the shooting, including murder of a federal officer, and is awaiting trial.

"I want also be clear that we got lucky out there," Garcetti told reporters at a news conference at LAX. "We're lucky the shooting didn't take more lives. We're lucky that day the casualty list was not higher. I asked for this report to make sure we do everything we can not to depend on luck as well as the heroic work of our first responders."

Among the key recommendations are that emergency alert and warning systems, including duress phones or "red phones," need to be updated and technologies for 9-1-1 notifications to airport police must be better integrated.

"The right systems, clear lines of responsibility and well-documented processes for alert notification are critical to avoiding delay in mobilizing a response during the early stages of any emergency," the report stated.

The review also found that there needs to be a continuing emphasis on incident command basics and that public mass notification at the airport "was lacking."

LAX is now developing a centralized public address system to facilitate communication around the airport, adding nearly a dozen message signs for incoming roadways and finding a way to send emergency messages to travelers' cellphones at the airport, Garcetti said.

"Our response has to be in this day and age both analog and digital, face-to-face and virtual, something we see both actively and feel passively," he said.

In addition, all Los Angeles Airport International telephones and panic alarms in the terminals will transmit location information to dispatch when an emergency call is made. On Nov. 1, a TSA supervisor picked up an LAX telephone that rings airport police during the incident but she dropped the phone when she had to evacuate immediately. Because of a "glitch" in the system, officers couldn't tell where the call was coming from, said Los Angeles World Airports Police Chief Patrick Gannon.

"All our phones were designed and developed so caller identification would pop up on the screen," Gannon told LAWA commissioners. "That had fallen off the grid and was not working properly."

Garcetti also called on the state officials to upgrade the 9-1-1 calling system so that calls made from cellphones at the airport aren't automatically routed to the California Highway Patrol officials but to airport police. In the meantime, airport employees are being urged to program the airport police dispatch number into their cellphones, he said. Training will also be given to airport employees so they are better equipped to help passengers evacuate during a crisis, he said.

"While LAX is ahead of most airports nationally and internationally, the after-action report is a template for continuing evolution at LAX," LAWA Executive Director Gina Marie Lindsey said. "Our learning will be a catalyst for change at other airports all over the world."

Meanwhile, members of a union that includes airport workers such as baggage handlers, wheelchair attendants and skycaps, asked Los Angeles World Airports commissioners to consider the report they released on the incident.

The report by SEIU United Service Workers West found that passengers "were placed at greater risk as a result of a lack of effort on the part of the airport authority to include these workers in emergency response coordination and communications as well as a lack of training and investment into the contract service workers who provide passenger services on behalf of the airlines."

LAX wheelchair attendant Fanny Fuentes, 41, was praised by Garcetti for her efforts in helping to evacuate Terminal 3 and disabled passengers during the Nov. 1 shooting. Fuentes, a member of SEIU United Service Workers West, said she was encouraged that the mayor promised emergency training to the airport's employees and other measures to help secure the safety of passengers and others.

"I'm excited because I've been with the airport since '96, and I haven't seen that happening," Fuentes said. "For the mayor to commit himself to do it publicly, I think there is going to be a change."

Mr. RICHMOND. With that, Mr. Chairman, I yield back.
[The statement of Mr. Richmond follows:]

STATEMENT OF HON. CEDRIC L. RICHMOND

MAY 29, 2014

Thank you, Mr. Chairman. Thank you for convening this hearing. Your continued focus on the tragic events that resulted in the death of Transportation Security Officer Hernandez is appreciated.

I would also like to thank our panel of witnesses for being here today. Mr. Capello and Mr. Landguth will provide the airport's perspective on how the tragic events at Los Angeles International Airport on November 1, 2013, prompted changes in preparedness and response planning for similar incidents. Mr. Murphy, President of the Airport Law Enforcement Agencies Network, will share with us the collective sentiment and strategies being implemented by airport law enforcement agencies across the Nation.

We learned a great deal about the response on the day of the shooting and what can be done to improve upon that response from the respective reports released in March by the Transportation Security Administration and Los Angeles World Airports. Those reports exposed several flaws and identified viable solutions that can and should be implemented to ensure that similar future incidents are mitigated or deterred altogether.

Today, we have the opportunity to understand how the airport law enforcement community and individual airports are implementing these recommendations and to learn about what more can be done. Having said that, Los Angeles World Airports, as well as other airports throughout the Nation cannot implement all of the reforms necessary without assistance from local and Federal partners. A significant portion of the reports addressed the need for interoperable communications and reliable emergency infrastructure.

In the technologically-advanced society that we live in, it is hard to accept that some panic buttons within airports do not work, and that we cannot figure out a way to ensure first responders can communicate seamlessly during an emergency. Undoubtedly, Federal funds and resources will be required to ensure all of the needed reforms are implemented. That places the onus on Congress to provide the funding needed to make planned reforms a reality.

Mr. McClain, thank you for being here today. Your perspective is extremely valuable. In your position as president of the Los Angeles Airport Peace Officers Association, your insight comes from having first-hand experience at LAX on that tragic day. I am interested in hearing more about the concerns you outlined in your prepared testimony regarding airport law enforcement's interaction with the Transportation Security Administration. Given that law enforcement and TSA share a common goal, the safety and security of the traveling public, it was troubling to read in your testimony that recommendations made to TSA prior to the shooting were not acted upon.

Before yielding back, I would like to emphasize the important work Transportation Security Officers do to protect our Nation against attack. As Mr. McClain points out in his prepared testimony, airplanes and airports remain desired targets of terrorists around the world. Unfortunately, there is a tendency to marginalize that threat as we become consumed with the desire to expedite screening for larger and larger segments of the population.

Officer Hernandez reported to work at LAX on November 1, 2013, with the goal of ensuring our aviation sector remained secure and passengers could travel freely. In a senseless act of violence, his life was cut short while working to protect the rest of us. Today, we will strive to identify ways to better safeguard the Officers we task with keeping our aviation sector secure. Mr. Chairman, I am looking forward to working with you on legislation derived from this subcommittee's oversight work that will enhance preparedness and response capabilities at airports when incidents occur.

Mr. HUDSON. Thank the gentleman.

Other Members of the committee are reminded that opening statements may be submitted for the record.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

The shooting at LAX resulted in the loss of Officer Hernandez's life and served as a stark reminder of the dangers the men and women on the front lines of securing our aviation sector face. Unarmed and exposed, Transportation Security Officers perform the often thankless task of screening approximately 1.8 million passengers per day.

They do so with limited workplace protections and the great responsibility of preventing another terrorist attack on the scale of 9/11. Given their vulnerability and the critical role they play in protecting our homeland, it is essential that airports and the law enforcement agencies that serve them have the resources, training, and plans in place to ensure a swift and effective response when an incident that threatens the safety of Transportation Security Officers occurs.

In March, this subcommittee held a site visit and field hearing at LAX to better understand the circumstances surrounding the response to the shooting. While the response of the individual police officers who prevented further loss of life on that tragic day is to be commended, the overall response at LAX left much to be desired.

Panic buttons at the checkpoint were not in working order. The emergency phone Transportation Security Officers have been trained to use did not display the location of the incident to the command center, and the police, firefighters, and emergency medical personnel responding could not communicate via interoperable radios.

In the wake of the shooting, Administrator Pistole initiated a Nation-wide review of the preparedness and response capacity of our airports so that we can either prevent or mitigate a similar incident in the future.

As was displayed this past weekend in Santa Barbara, California, it may not be possible to prevent a disturbed individual from opening fire on innocent strangers in a public setting. That reality, however, should not stop us from instituting policies that will improve the response to such incidents at our Nation's airports.

I look forward to hearing from Mr. Capello, the director of security at Fort Lauderdale International Airport and Mr. Landguth, the president and chief executive officer of Raleigh-Durham International Airport regarding the lessons their airports learned from the response to the shooting at LAX.

I am also eager to hear the law enforcement officer's perspective from Mr. Murphy and Mr. McClain on how the response to an incident at an airport can be improved. Given his position with the Los Angeles Airport Peace Officers Association, Mr. McClain is in the unique position of being able to help us understand how the response to a similar incident at LAX would differ today from that on November 1, 2013.

Before yielding back Mr. Chairman, I would be remiss if I did not point out that the House has still not acted on legislation introduced by Representative Brownley of California that would result in Officer Hernandez's family receiving death benefits in the amount of \$300,000.

Making a family who lost their husband and father in the line of duty whole should not be a partisan issue, yet, to date, not a single Republican Member has co-sponsored Representative Brownley's legislation.

I would encourage the Chairman and all of my Republican colleagues to consider cosponsoring H.R. 4026 and to urge their leadership to allow for consideration of the legislation on the House floor.

Mr. HUDSON. We are pleased to have a distinguished panel of witnesses before us here today.

Mr. Frank Capello is the aviation security director for the Broward County Aviation Department, which operates the Fort Lauderdale Hollywood International Airport and the North Perry General Aviation Airport. Mr. Capello is responsible for managing the aviation department security division, which includes oversight and coordination over the law enforcement services provided by the Broward County Sheriff's Office. Mr. Capello is a member of the Airports Council International World Security Standing Committee as well as chairman of the Florida Airports Council Security Subcommittee. Prior to joining the Broward County Aviation Department, he was an FAA special agent, a Federal air marshal, and a TSA Federal security director.

Mr. Michael Landguth serves as the president and CEO of Raleigh-Durham International Airport. Airport I use rather fre-

quently. Mr. Landguth is responsible for RDU's overall staffing, budgeting, strategic planning, and operations. Prior to joining the Raleigh-Durham Airport Authority, he served as CEO and president of the Chattanooga Metropolitan Airport Authority. Mr. Landguth is an accredited airport executive and a member of the board of directors of the American Association of Airport Executives. He also serves as chairman of the Airports Council International North America's Medium Hub Caucus.

Does that fit on a business card? That is quite a title.

Next we have Mr. Kevin Murphy, who the president of the Airport Law Enforcement Agencies Network, ALEAN, and chief of police for the Cincinnati Northern Kentucky International Police Department. ALEAN helps facilitate communication of law enforcement intelligence, actively provides input in the formulation of public policy concerning civil aviation security, and promotes, sponsors, and conducts a regular information sharing network for the benefit of airport law enforcement officers throughout the world.

Mr. Marshall McClain is a police officer and current president of the Los Angeles Airport Peace Officers Association. This association represents the rank-and-file police, firefighters protecting the city's airports, including LAX. Officer McClain joined the Los Angeles Airport Police in 2002. He holds the rank of Police Officer 3, and is assigned as a senior lead officer to the patrolled services section at LAX. He is a co-founder of the American Alliance of Airport Police Officers, and serves on the board of directors for the Peace Officers Research Association of California.

Thank you all for being here.

The witnesses' full written statements will appear in the record.

The Chairman recognizes Mr. Capello to testify.

Do we have the lights working here? We have got green, yellow, red. Okay, can you see green there? I guess we will get a signal for when we have got to start cutting you off there. But if you will follow, you will have a yellow light is when you have a minute left, I believe, and then the time expires at 5.

So, Mr. Capello, you are recognized for 5 minutes. Thank you.

**STATEMENT OF FRANK CAPELLO, DIRECTOR OF SECURITY,
FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT**

Mr. CAPELLO. Thank you.

Chairman Hudson, Ranking Member Richmond, and Members of the subcommittee. Thank you for the opportunity to be with you today to discuss aviation security issues.

Although random shootings are not new at airports, they are prevalent in other public areas. As an example, last Friday, a crazed gunman went on a shooting rampage in a popular Santa Barbara student enclave. Numerous active shootings have occurred throughout the country in the past 12 months. They are one of a multitude of aviation security challenges airports in the United States have implemented measures to address.

My oral testimony today will contain two recommendations: Training and funding. The current threats to airport terminals are diffused, complicated, unpredictable, and can occur in different areas within the airport. The FBI reports that academic studies of active-shooter statistics reveal that 49 percent of the time the ac-

tive shooting ended before police arrive. Also of interest is that in 10 percent of the cases, the shooter stops and walks away. In 20 percent of the cases, the shooter goes mobile, moving to another location. The average active-shooter incident lasts 12 minutes, while 37 percent last less than 7 minutes.

The training I am recommending would have a goal of adding a new layer of ingenuity within the airport environment. This training must enhance the awareness of not only first responders but must be afforded to all those who work in the airport environment. In developing this type of training program, there must be varying types of knowledge imparted that is customized for the actual responsibilities of the workforce. Aviation security incident training offered to first responders would be different than the aviation security training offered to other employees that work at an airport.

Second, Federal funding for aviation security initiatives such as the training I mentioned must be looked at. There is a need to specifically fund aviation security initiatives and technology, throughout airports in the United States. The amount airports are reimbursed by TSA under the Law Enforcement Officer Reimbursement Program has decreased significantly over the last several years.

The continued reduction in the amount of these funds comes at a time when funding should be increased as a result of the strains being placed upon U.S. airports while they comply with an increasing amount of Federal mandates and simultaneously address an increase in the number of significant incidents impacting aviation security.

Funding for United States airports was made available in the 1980s after a terminated employee used his airport identification badge to board PSA flight 1771 and crashed as a result of a murder-suicide. All 43 people aboard the aircraft died. This funding was used to install an automated access controls that are installed today, used to deny restricted area access immediately if an employee is no longer authorized for that access.

Congress should study the provision of additional funds that would be used by airports throughout the United States to fund security technologies and increased reimbursement for law enforcement officers to further enhance aviation security in public areas of airport terminals.

I do not believe that fixed-post law enforcement officers offer a significant countermeasure to respond to an active-shooter situation. A flexible-post law enforcement officer offers a level of unpredictability and an element of surprise.

Additionally, if provided airport security specific funding, airports could increase the tempo of continually enhancing the various layer of security technologies and increased reimbursement for law enforcement to further support aviation security in public areas of terminals.

Congress should also allow for the additional funding of research of airport security technologies, such as the evaluation and testing currently being conducted by the National Safe Skies Alliance, which is funded by the Federal Aviation Administration. For example, this research could enable airports to more wisely use limited monetary resources to implement projects to better protect airport

perimeters which help to minimize the impact of an unauthorized entry onto an airfield.

I again thank you for this opportunity and look forward to answer your questions.

[The prepared statement of Mr. Capello follows:]

PREPARED STATEMENT OF FRANK CAPELLO

MAY 29, 2014

Chairman Hudson, Ranking Member Richmond, and Members of the subcommittee, thank you for the opportunity to be with you today to discuss aviation security issues. These issues impact our Nation in so many ways and impacts all those who use our Nation's airports for employment, business travel, and leisure travel.

I am the aviation security director of the Fort Lauderdale Hollywood International Airport. My duties include the planning, directing, and administering a comprehensive safety and security program for the County's Aviation Department to ensure compliance with all Federal security regulations. The central core of my duties is to ensure the safety and security of the traveling public and employees who work at Fort Lauderdale-Hollywood International Airport.

Fort Lauderdale-Hollywood International Airport averages over 700 scheduled passenger aircraft flight operations daily. We have more than 64,000 passengers in our terminals daily. Twenty-five scheduled airlines operate from our 4 terminals.

Mr. Chairman, I want to assure you and the Members of this subcommittee that airports across our Nation take recent incidents and the potential for future incidents involving terrorism and other criminal acts as a very serious matter. Airport executives, including the aviation director of the Broward County Aviation Department, Mr. Kent George, hold safety and security as our first and foremost priority. We work very closely in collaboration with our local Transportation Security Administration (TSA) office to reinforce the layers of security that currently exist and to work towards continuous enhancement of aviation security on a daily basis.

I would like to add that our department works very closely with our local Customs and Border Protection office and also the contingent of FBI agents assigned to our airport. In addition to the 93 sworn officers assigned as our law enforcement provider, the Broward Sheriff's Office, we are also very proud of the work of our Fire Department which is a service also provided by the Broward Sheriff's Office. Crash Fire and Rescue services are an integral part of any response to a critical aviation security incident involving protection of property and lives. I would like for you to know that our law enforcement services and our Crash Fire and Rescue services are provided by the same organization, the Broward Sheriff's Office, as I think that the distinction avails our organization a high degree of interoperability.

The nature of many tragic events is unpredictable and therefore there is not one way to prevent certain behavior from occurring. Unfortunately, many threats can only be mitigated and not eliminated. Random shootings are not new to airports. On November 22, 1974 Samuel Byck entered BWI Airport, shot Police Officer George Neal Ramsburg in the back and proceeded in a hijacking attempt of a Delta DC-9 aircraft. During this incident the co-pilot of the flight was shot dead and the pilot was shot numerous times.

I cite this incident as I believe that it is relevant in recent discussions regarding the use of law enforcement officers at a fixed post near airport passenger screening checkpoints. At Fort Lauderdale Hollywood International Airport we use a hybrid of fixed-post officers and flexible response officers to handle responsibilities related to the safety of those in the vicinity of TSA screening checkpoints. The flexible response officers further enhance security as the officer has the ability to patrol a greater area and adds a certain degree of unpredictability towards someone planning an attack.

We also use a unique way to provide these law enforcement officers in a more cost-effective way. Instead of using a normally scheduled officer at a fixed post, we provide a "detail" officer. The "detail" officer is usually an officer from the airport district what works a detail that is scheduled outside of the officer's normal duty hours. Currently we deploy detail officers at each passenger screening checkpoint 8 hours daily. This officer is authorized by law, to affect an arrest or discharge their firearm for cause while on duty. The "loaded" cost of an officer is approximately \$67.00 an hour. The "detail" officer costs \$37.00 an hour. The manner in which officers are provided to TSA passenger screening checkpoints allow our airport to provide additional law enforcement officers as a result of a lower cost per hour.

Unfortunately, random shootings are not new to airports; they are also prevalent in other public areas. As an example, last Friday a crazed gunman went on a shooting rampage in a popular Santa Barbara student enclave. Numerous active shootings have occurred throughout the country in the past 12 months. They are one of a multitude of aviation security challenges airports in the United States have implemented measures to address.

Since the tragic events of November 1, 2013 at LAX, the airport community has been working with the TSA to identify and develop security enhancements. We appreciate the TSA's collaborative approach of their working with industry to protect all those who work in and travel through the airport environment. We concur with recommendations put forth by TSA in Information Circular 14-01. We find that the recommended enhancements contained in the Information Circular are prudent and we plan to follow the recommendations. The current threats to airport terminals are diffuse, complicated and unpredictable. The FBI reports that academic studies of active-shooter statistics reveal that 49% of the time, the active shooting ended before police arrive. Also of interest is that in 10% of the cases, the shooter stops and walks away. In 20% of the cases the shooter goes mobile, moving to another location. The average active-shooter incident lasts 12 minutes, while 37% last less than 5 minutes.

My testimony today contains two recommendations. I would be glad to work further with TSA and the subcommittee on matters that can further improve aviation safety and security and I look forward to any questions you may have.

First, I believe that training for the most recent threat is relevant, but this training should not overcome the need for a training program that ultimately makes an airport more secure. The training I am suggesting would have a goal to "add a new layer of ingenuity" within the airport environment. A majority of aviation security training must be proactive and well-thought-out with a lesser focus on airport security training that is rooted towards reactivity concerning recent events. Many airports throughout the United States have already implemented some form of this training to a degree. This training must enhance the awareness of not only first responders, but must be afforded to all those who work in an airport environment.

In developing this type of training program, there must be varying types of knowledge imparted with an amount of training that is customized for the actual responsibilities of the workforce. Much of this training should be followed by actual on-the-job training (OJT) that is actually conducted in the workplace setting. On-line training is very useful, table-top exercises do allow for a further understanding of training objectives. The use of some form of "tactical" training for all employees with responsibilities in airport passenger terminals is a big step forward when considering comprehensive training for aviation security.

In a typical airport setting there would be specific training for law enforcement personnel, other specific training for personnel such as TSA and airport authority employees, and then another specialized curriculum for the other employees working in an airport setting. At all layers the training would encompass aviation security awareness and how to report security issues to the proper authorities responsible for aviation security. Additionally this training would identify how to evacuate or escape. This type of training is available today. The two major factors that limit the use of this type of training is the ability to accept training from an outside entity and the cost. These hurdles are easily overcome when logic is used to analyze the cost benefit of the training.

Second, Federal funding for aviation security initiatives, such as the training I mentioned, must be considered. There is a need to specifically fund aviation security initiatives and technology throughout airports in the United States. The amount airports are reimbursed by TSA under the Law Enforcement Officer Reimbursement Program has decreased significantly over the last several years. The decision to reduce the amount of these funds comes at a time when funding should be increased as a result of the strains being placed upon airports throughout the United States as they comply with an increasing amount of Federal mandates and simultaneously work to provide an optimal level of aviation safety and security. At the same time, airports are challenged by the lack of available funding necessary to provide for projects to update infrastructure. Restoring sufficient funds to the Law Enforcement Officer Reimbursement Program would be instrumental in providing more capability to deter criminal activity and is certainly a prudent measure to mitigate an active-shooter situation.

I do not believe TSA Transportation Security Officers should be armed. Generally speaking, more guns at a TSA passenger screening checkpoint are not a solution. TSA Officers have specific duties that would be impacted if the same officers were required to be fully trained in the laws involving the retention and handling of firearms, and the time needed to maintain proficiency in the use of a firearm. Addition-

ally, as more and more entities are introduced into a response plan, that plan becomes exponentially harder to plan, coordinate, and implement. The use of law enforcement officers that have already been trained and equipped to respond to active-shooter incidents is the most prudent and effective way forward.

Funding for United States airports was made available in the 1980's after a terminated employee used his airport identification badge to board PSA Flight 1771 and crashed the aircraft as a result of a murder/suicide. All 43 people aboard the aircraft died. This funding was used to install automated access controls that are used to deny restricted area access immediately. Since 9/11 significant Federal funding has been provided to TSA to purchase and install hold (checked) baggage explosive detection systems to further address the threat of a bomb being placed in the baggage which is to be loaded aboard the aircraft at airports in the United States.

Congress should study the provision of additional aviation security-specific funds that would be used by airports throughout the United States to fund security initiatives, technologies, and increased reimbursement for law enforcement officers to further enhance aviation security in the public areas of airport terminals. Additionally, if provided airport-specific funding, airports could increase the tempo of continually improving the various layers of security currently in place at airports throughout the United States. Congress should also allow for the additional funding of research of airport security technology, such as the evaluation and testing currently being conducted by the National Safe Skies Alliance which is funded by the Federal Aviation Administration. For example, this research could enable airports to more wisely use limited monetary resources to implement projects to better protect airport perimeters to reduce the amount of unauthorized entries onto airfields.

In closing, I wish to assure you that we are in the process of implementing many specific post-LAX shooting enhancements to our Airport Emergency Plan and to our Disaster Preparedness Plan. We are currently involved in evaluating different types of active-shooter training that will improve our ability to better train airport employees. We know you understand the importance of the need for airports to consider, evaluate, and implement local initiatives to enhance our layers of security, and our opportunity to leverage available and future technology.

Mr. HUDSON. Thank you, Mr. Capello.

The Chairman recognizes Mr. Landguth for 5 minutes.

STATEMENT OF MICHAEL J. LANDGUTH, PRESIDENT AND CHIEF EXECUTIVE OFFICER, RALEIGH-DURHAM AIRPORT AUTHORITY, RALEIGH-DURHAM INTERNATIONAL AIRPORT

Mr. LANDGUTH. Thank you, Chairman Hudson, Ranking Member Richmond, and Members of the subcommittee.

I appreciate the opportunity to appear before you today to participate in this public hearing.

I would like to commend this subcommittee and the Transportation Security Administration for the thoughtful and collaborative approach they have taken surrounding the horrific events that occurred on November 1, 2013 at LAX. Our thoughts and prayers go out to the family of Mr. Hernandez.

I believe the efforts of this subcommittee and the collaborative discussion it has created within the industry will provide measurable security improvements for travellers and workers at the Nation's airports.

The Raleigh-Durham International Airport is located in North Carolina, and it is the 39th largest airport in the United States. We handle over 9 million passengers a year. As a commercial service airport, we have the responsibility to detect, deter, and prevent both security threats and safety concerns that could harm passengers and employees.

The LAX incident was significant, and airports have responded aggressively by looking at emergency responsiveness, evacuation strategies, local and Federal coordination, and a host of other

issues to make sure they are adequately prepared if such an incident occurs again.

Commercial service airports across the country are required to develop an airport emergency plan that addresses the following: Aircraft, terrorism, hazardous material incidents, structure fires, natural disasters, sabotage, highjacking, water rescues, and crowd control. Airports are constantly evaluating safety and security risks and regularly reviewing their emergency and contingency plans to ensure they are prepared.

At RDU, we have added to our emergency plan over time by developing a special passenger assistance plan, crisis communication plan, baggage handling contingency plan, and a communicable disease plan. Also at this time my staff is developing a severe weather plan to address the significant weather events, such as a hurricane. We also hold annual safety and security table-top exercises to practice and test our emergency plan.

With regard to the incident at LAX and its impact on airport emergency response, I offer several recommendations below on how airports and the Federal Government can work together to strengthen the response to these types of incidents.

Encourage the development of active-shooter response recovery guidelines by TSA versus a one-size-fits-all regulations to ensure that all airports have the basic framework to meet the requirements of their individual airports.

The task and actions needed for recovery and return to normal operations are best handled in the airport emergency plan or a stand-alone plan, not in the airport security plan. Enlist TSA to act as a clearing house for lessons learned for active-shooter incidents. While RDU sent three of its employees to the LAX active shooter and San Francisco aircraft accident debriefings, not all airports across the country can afford this type of investment. Therefore, a real-time clearing house of information of the very best ideas on how to deal with active-shooter scenarios would significantly increase the overall preparedness of all airports in this country.

We encourage your recommendation to airports in coordination with TSA conduct active-shooter awareness training for all of their employees and tenants. In the summer of 2013, RDU provided its employees an active-shooter awareness training. It was so well-received that employees have requested that we provide this training to their families.

While on the surface this may not seem like a significant deterrent, we believe we mitigated a potential act against our passengers and employees at our facility after the training was conducted.

Recognizing the layered approach to terminal area security around the checkpoint and ticket counters is the most effective. One layer includes community policing. At RDU, we are developing and expanding our community policing program to include the employees of the airlines and other tenants to reinforce the importance of immediate action drills and proper communication procedures while infusing a mindset of constant awareness.

Additionally, we conduct two active-shooter tactical drills each year, have enhanced our armament and weapons training, and added two explosive detection dogs and we are exploring ways to

utilize technology, such as CCTV and facial recognition software to act as a force multiplier to assist with the detection, prevention of, and recovery from criminal activity.

Our objective is to build rings and layers to security to detect, discourage, mitigate, and react to threats. Airports are concerned with how to respond to the ever-changing threats while maintaining the common goal of protecting citizens in our facilities.

Finally, I appreciate the leadership of Chairman Hudson, Ranking Member Richmond, and Members of the subcommittee on the exit lane staffing issue. In light of the tragedy of LAX, we encourage the long-term technology solution be considered. The solution, would further reduce the potential point of entry by individuals wanting to harm our passengers and employees.

Movement to employee technology solution at the exit lanes will require an investment to achieve the security objective. I would encourage Members of Congress to make the necessary investment by offering a grant to implement technology solutions at airports across the country.

Looking forward, Mr. Chairman, I know the committee is interested in seeking actions to ensure that all airports are adequately prepared should future active-shooter events materialize, which we all hope will not be the case.

Therefore, I summarize the action recommendations discussed above as follows:

One, plans for response recovery from active-shooter scenarios should be handled in the airport emergency plan or other emergency planning documents developed by the airport to ensure they are tailored to the specific airport.

Two, TSA should act as a clearing house for the best ideas from across the country to address active-shooter scenarios and in a timely fashion share this information with airports.

Three, require active-shooter awareness training for all airport employees, including those of airport tenants and the TSA.

Four, airport law enforcement should take a layered approach to security around the checkpoint and ticketing counter and include testing of these plans as part of the annual AVSEC tabletop exercise.

Finally, five, work towards funding a program for implementation of a technology solution at the Nation's airport exit lanes.

Thank you for your leadership on this important issue facing our country. The industry appreciates the collaborative approach you have chosen to address your concerns.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Landguth follows:]

PREPARED STATEMENT OF MICHAEL J. LANDGUTH

MAY 29, 2014

Chairman Hudson, Ranking Member Richmond, and Members of the subcommittee, I appreciate the opportunity to appear before you today to participate in this public hearing. I would like to commend this subcommittee and the Transportation Security Administration (TSA) for the thoughtful and collaborative approach they have taken surrounding the horrific events that occurred on November 1, 2013 at LAX. Our thoughts and prayers go out to the family of Mr. Hernandez. I believe the efforts of this subcommittee and the collaborative discussion it has cre-

ated within the industry will provide measurable security improvements for travelers and workers at the Nation's airports.

Raleigh-Durham International Airport is located in North Carolina and is the 39th-largest airport in the United States. We handle over 9 million passengers a year. As a commercial service airport we have the responsibility to detect, deter, and prevent both security threats and safety concerns that could harm passengers and employees. The LAX incident was significant, and airports have responded aggressively by looking at emergency responsiveness, evacuation strategies, local/Federal coordination, and a host of other issues to make sure they are adequately prepared if such an incident occurs again.

Commercial service airports across the country are required to develop an airport emergency plan that addresses the following: Aircraft, terrorism and hazardous material incidents, structural fires, natural disasters, sabotage and hijackings, water rescues, and crowd control. Airports are constantly evaluating safety and security risks and regularly review their emergency and contingency plans to ensure they are prepared. At RDU we have added to our emergency plan over time by developing a special passenger assistance plan, crisis communications plan, baggage handling contingency plan, and a communicable disease plan. Also, at this time, my staff is developing a severe weather plan to address a significant weather event such as a hurricane. We also hold annual safety and security table-top exercises to practice and test our emergency plan.

With regard to the incident at LAX and its impact on airport emergency response, I offer several recommendations below on how airports and the Federal Government can work together to strengthen the response to these types of incidents.

Encourage the development of active-shooter response and recovery guidelines by TSA versus one-size-fits-all regulations to ensure that all airports have the basic framework to meet the requirements of their individual airports. The tasks and actions needed for recovery and return to normal operations are best handled in the Airport Emergency Plan, or a stand-alone plan, not in the Airport Security Plan.

Enlist TSA to act as a clearing house for lessons learned from active-shooter incidents. While RDU sent three of its employees to the LAX active shooter and the SFO aircraft accident debriefings, not all airports across the country can afford this type of investment. Therefore, a real-time clearing house of information of the very best ideas on how to deal with active-shooter scenarios would significantly increase the overall preparedness of all airports.

We encourage your recommendation that airports, in coordination with TSA, conduct active-shooter awareness training for all of their employees and tenants. In the summer of 2013 RDU provided its employees with active-shooter awareness training. It was so well-received that employees have requested that we provide this training to their families. While on the surface that may not seem like a significant deterrent, we believe we mitigated a potential act against our passengers and employees at our facility after the training was conducted.

Recognize that a layered approach to terminal area security around the checkpoint and ticket counters is the most effective. One layer includes community policing. At RDU we are developing and expanding our community policing program to include the employees of the airlines and other tenants to reinforce the importance of immediate action drills and proper communication procedures, while infusing a mindset of constant awareness.

Additionally, we conduct two active-shooter tactical drills each year; have enhanced our armament and weapons training and added two explosive detection dogs; and we are exploring ways to utilize technology, such as CCTV and facial recognition software, to act as a force multiplier to assist with the detection & prevention of and the recovery from criminal activity.

Our objective is to build rings and layers of security to detect, discourage, mitigate, and react to threats. Airports are concerned with how to respond to ever-changing threats while maintaining the common goal of protecting citizens in our facilities.

Finally, I appreciate the leadership of Chairman Hudson, Ranking Member Richmond, and Members of the subcommittee on the exit lane staffing. In light of the tragedy at LAX, we encourage that a long-term technology solution be considered. This solution would further reduce the potential point of entry by individuals wanting to harm our passengers and employees. Movement to employ a technology solution at the exit lanes will require an investment to achieve this security objective. I would encourage Members of Congress to make the necessary investment by offering a grant to implement technology solutions at airports across the country.

Looking forward, Mr. Chairman, I know that the committee is interested in seeking actions to ensure that all airports are adequately prepared should future active-

shooter events materialize, which we all hope will not be the case. Therefore, I summarize the action recommendations discussed above as follows:

1. Plans for response and recovery from active-shooter scenarios should be handled in the Airport Emergency Plan or other emergency planning documents developed by the airport to ensure they are tailored to the specific airport.
2. TSA should act as a clearing house for the best ideas from across the country to address active-shooter scenarios and in a timely fashion share this information with airports.
3. Require active-shooter awareness training for all airport employees including those of airport tenants and the TSA.
4. Airport law enforcement should take a layered approach to security around the checkpoint and ticketing counter and include testing of these plans as part of the annual AVSEC table-top exercise.
5. Work towards funding a program for implementation of a technology solution at the Nation's airport exit lanes.

Thank you for your leadership on this important issue facing our country. The industry appreciates the collaborative approach you have chosen to address your concerns.

Mr. HUDSON. Thank you, Mr. Landguth.
The Chairman recognizes Mr. Murphy to testify.

STATEMENT OF KEVIN MURPHY, PRESIDENT, AIRPORT LAW ENFORCEMENT AGENCIES NETWORK

Mr. MURPHY. Chairman Hudson, Ranking Member Richmond, and Members of the committee. Thank you for the opportunity to give an airport law enforcement perspective.

I truly appreciate the commitment and concern from this committee to ensure the aviation system continues to be a safe and secure environment for our traveling public.

After the LAX shooting, Administrator Pistole immediately reacted by setting in motion a comprehensive review of the incident and forming a group of aviation experts to look at all aspects of the current security programs related to the incident. Administrator Pistole should be commended on this measured and thorough approach to ensure all entities with ties to the aviation system had an opportunity to review, discuss, and provide input to any advances or changes to the security measures which are in place.

The Airport Law Enforcement Agencies Network, or ALEAN, was involved early on in these discussions and meetings as one of the prevailing issues focuses on whether a law enforcement officer should be stationed at or near the checkpoints.

ALEAN is a nonprofit organization formed in 1989 to represent those law enforcement agencies whose mission is to protect and patrol the Nation's airports. ALEAN was formed to facilitate the exchange of information concerning terrorism and emerging criminal trends associated with airport operations. ALEAN has over 100 U.S. airport police agencies as members, ranging from the largest Cat X to the smaller Cat 3 airports. Columbia Metropolitan, Huntsville, Indianapolis, Louis Armstrong, Dallas-Fort Worth, Atlanta, Chicago, Los Angeles, Metropolitan Washington, Cincinnati are but a few of our member airports.

ALEAN has and continues to be opposed to the mandatory stationing of law enforcement officers at checkpoints. It severely limits the ability of the police chiefs and commanders at airports to manage their officers. Law enforcement officers are a finite and valuable resource which need to be deployed to all areas of the airport, some with much higher risk than the checkpoints. Given the fact

that all airports are unique, forcing a standardized approach to response times for any incident may indeed cause law enforcement officers to be pulled away from other areas within the airport which are equally as, if not more critical.

Just as Administrator Pistole has used a risk-based approach to arrange security measures, airport police chiefs and commanders use the same approach for their individual airports to position their officers in the best location to handle all calls for services and provide security and safety to all the airport travellers and staff.

Airport law enforcement officers are responsible to detect, deter, and respond, to criminal and other public safety or security-related incidents from the roadway to the runway of our Nation's airports. Depending on the ebbs and flows of individual airports, the higher risk may be with large number of vehicles on the curb dropping off passengers to the long lines at ticket counters or the many bags and unattended items in the baggage pick-up areas. The airport law enforcement officer needs to have the ability to move throughout these areas to provide deterrence and response capabilities. Assigning an officer to a fixed post tethers him to one location and creates an inefficient use of much-needed manpower.

Law enforcement officers are a key element in deterring and detecting and responding to a critical incident, such as an active shooter. But they are not the only aspect of creating a safe and secure environment. There is no one tactic or strategy that can be developed to prevent these incidents in the future or provide a better security stance.

The best approach is a multi-layered approach. Communication from the airport tenants to the airport emergency communications centers, or ECCs, is a vital layer which must be clear and direct. Again Administrator Pistole has led this charge to ensure there are direct lines of communication to the airport ECC from checkpoints and even further to encourage all TSA employees to program their individual cell phones with direct line to the ECC. This approach has been mirrored by airport tenants and employees across the country.

Another layer is additional enhanced video data systems. Video data systems provide immediate eyes on the situation, especially if the systems are linked to incoming call or alarm locations. Cameras allow the ECC to better direct the responding officers to the exact location of the incident, facilitating a quick resolution to the incident.

Administrator Pistole and the TSA are to be commended for partnering with many U.S. airports on funding to expand existing video data systems, this funding program should be a focus for this committee.

Dynamic incidents, such as active shooters, will continue to occur in our Nation and abroad. Only a flexible, layered security stance which involves all entities within the airport complex will allow for a swift resolution and recovery from these incidents. Airport police chiefs and commanders must be able to move their officers freely to where the risk is for that individual airport.

Thank you for your continued focus on improving the safety and security of our Nation's traveling public. I look forward to answering any follow-up questions you may have.

Mr. HUDSON. Thank you, Mr. Murphy.
[The prepared statement of Mr. Murphy follows:]

PREPARED STATEMENT OF KEVIN MURPHY

MAY 29, 2014

Mr. Chairman, Ranking Member Richmond, and Members of the committee, thank you for the opportunity to give input and perspective on the lessons learned from the LAX shooting as it pertains to airport law enforcement. I appreciate the commitment and concern from this committee to ensure the aviation system continues to be a safe and secure environment for our traveling public.

The Airport Law Enforcement Agencies Network or ALEAN is a non-profit organization formed in 1989 to represent those law enforcement agencies whose mission is to protect and patrol the Nation's airports. ALEAN was formed for the purpose to facilitate the exchange of information concerning terrorism and emerging criminal trends associated with airport operations. The original charter participating agencies were located in the largest Cat X airports, but ALEAN has since expanded to over 100 U.S. airport agencies as regular members and numerous foreign Associate Membership agencies in Canada. Many governmental law enforcement agencies such as the FBI, FAMS, INTERPOL, U.S. Secret Service, and federal regulatory agencies from around the world also hold Adjunct Membership. ALEAN holds official conferences in the Spring and Fall of each year to discuss business, provide training, and conducts monthly membership teleconference calls.

After the LAX shooting and senseless murder of Transportation Security Officer Gerardo Hernandez, Administrator Pistole immediately reacted by setting in motion a comprehensive review of the incident and forming a group of aviation experts to look at all aspects of the current security programs as it related to the incident. Administrator Pistole should be commended on this measured and thorough approach to ensure all entities with ties to the aviation system had an opportunity to review, discuss, and provide input into any advances or changes to the security measures which are in place.

ALEAN was involved early on in these discussions and meetings, as one of the prevailing issues focuses on whether a law enforcement officer should be stationed at or near the checkpoints. ALEAN has and continues to be opposed to the mandatory stationing of law enforcement officers at checkpoints, because it severely limits the ability of the police chiefs and commanders at airport to manage their officers. Law enforcement officers are a finite and valuable resource which need to be deployed to all areas of the airport, some with much higher risk than checkpoints. Given the fact that all airports are unique, forcing a standardized approach to response times for any incident, may indeed cause law enforcement officers to be pulled away from other areas within the airport which are just as critical.

Just as Administrator Pistole has used a risk-based approach to arrange security measures, airport police chiefs and commanders use the same approach for their individual airports to position their officers in the best location to handle all calls for service and provide security and safety to all of the airport travelers and staff, not focusing on a single group. Airport law enforcement officers are responsible to detect, deter, and respond to criminal and other public safety or security-related incidents from the roadway to the runway of the Nation's airports. Depending on the ebbs and flows of individual airports, the higher risk may be with large number of vehicles on the curb dropping off passengers, to the long lines at ticket counters or the many bags and unattended items in the baggage pick-up areas. The airport law enforcement officer needs to have the ability to move throughout these areas to provide deterrence and response capabilities to all. Assigning an officer to a fixed post tethers them to one location and creates an inefficient use of much-needed manpower.

Law enforcement officers are a key element in deterring, detecting, and responding to a critical incident such as an active shooter, but they are not the only aspect of creating a safe and secure environment. There is no one tactic or strategy that can be developed to prevent these incidents in the future or to provide a better security stance. The best approach is a multi-layered approach. Communication from the airport tenants to the airport emergency communication centers (ECC) is a vital layer which must be clear and direct. Again, Administrator Pistole has led this charge to ensure there are direct lines of communication to the airport ECC and even further to encourage all TSA employees to program their individual cell phones with the direct line to the ECC. This approach has been mirrored over to all airport tenants and employees. Another layer for the ECC is additional or enhanced video data systems. The video data systems provide immediate eyes on the

situation, especially if the systems are linked to incoming call or alarm locations. Cameras allow the ECC to better direct the responding officers to the exact location of the incident facilitating a quick resolution to the incident. Again, Administrator Pistole and the TSA are to be commended for partnering with many U.S. airports on funding to expand existing video data systems.

Los Angeles World Airports conducted an all-encompassing after-action report of the incident and shared the report with all, so others could benefit from what they experienced. This type of coordination and information sharing are the key elements of ALEAN. Over the years ALEAN has played a significant role in ensuring a successful 1994 World Cup Soccer Tournament in the United States, developed a model partnership with the Federal Government with the National Explosives Detection Canine Program, managed the airport community's post-9/11 law enforcement response, initiated a National aviation law enforcement benchmarking project, put in place a vital real-time electronic intelligence-sharing network for airport criminal investigators and an administrative information-sharing network, helped local agencies develop and share model best practices programs, and assisted with the development and integration of public policy related to aviation law enforcement. ALEAN partners with the American Association of Airport Executives (AAAE) and Airports Council International (ACI) to address issues vital to our industry. ALEAN's partnerships include working with local Joint Terrorism Task Forces, the Federal Air Marshall Program, and the TSA Federal Intelligence Officer Program to ensure the safety on the travelling public.

Coordination between law enforcement agencies is needed to resolve these dynamic incidents and all must be trained to respond as one. Active-shooter response training is yet another layer which airports must participate in. A lone gunman who is intent on senselessly destroying the lives of others may be nearly impossible to deter or detect until the first shot is fired. Airport police agencies must continue to train to quickly respond and resolve these incidents. The training should include mutual aid agencies, Federal law enforcement officers, and as important, the fire and EMS agencies which respond to the airport. We have continued to improve deterrence and response to active-shooter incidents through experience and training. Airport police and responding EMS must train to quickly recover, remove, and treat those injured persons quickly, even if the incident continues in other areas of the airport complex.

Dynamic incidents, such as active shooters, will continue to occur in our Nation and abroad. Only a flexible layered security stance which involves all entities within the airport complex will allow for a swift resolution and recovery from these incidents. Airport police chiefs and managers must be able to move their officers freely to where the risk is. ALEAN members continue to be inventive and proactive in creating different and unique security layers to deter those who want to do harm in our airports and to respond quickly and effectively when those incidents do occur. ALEAN provides coordination by sharing best practices among its members such as: Airports which have created random dynamic force and long gun patrols; active-shooter response bags which include first aid items and other tools to resolve an incident; random vehicle inspection posts; enhanced security ID checks to ensure all those in the security area are authorized to be in the security area. These are but a few of the innovative security layers being created by airport police across the Nation—all require the ability for airport police chiefs and commanders to flexibly deploy their finite assets where the risk is for that airport.

Thank you for your continued focus on improving the safety and security for our Nation's traveling public.

Mr. HUDSON. Chairman recognizes Mr. McClain to testify.

STATEMENT OF MARSHALL MC CLAIN, PRESIDENT, LOS ANGELES AIRPORT PEACE OFFICERS ASSOCIATION

Mr. MCCLAIN. The November 1, 2013 shooting at LAX was a tragedy—

Mr. HUDSON. Is your microphone on there?

Mr. MCCLAIN. Just let me make sure.

Mr. HUDSON. Okay.

Mr. MCCLAIN. November 1, 2013 shooting at LAX was a tragedy, and I appreciate Chairman McCaul, Chairman Hudson, Ranking Member Thompson, and Ranking Member Richmond for inviting me to testify before your committee today.

LAX is staffed by a specialized proprietary police force that is explicitly trained to police and secure LAX, which is widely considered to be the highest terrorist target on the West Coast. Specifically, LAX is the third-busiest airport in the United States, serving 165,000 passengers daily. Passenger traffic increased 7.3 percent in 2013, and is continuing to rise. That same year, LAX opened its new Tom Bradley International Terminal, which includes a total of 18 new boarding gates, serving many airlines from countries with long-standing histories of conflicts.

The nature of airport policing in airports like ours is intertwined with our Federal law enforcement partners, including the FBI, Customs and Border Protection, and airplane-based Federal Air Marshals. All of which we have had a long, productive history. A key factor to our ability to effectively work together are clear delineations of responsibility and mutual underlying respect and strong trust in the abilities of our partners to follow protocols and do their jobs.

LAX has been the focus of some of our country's most high-profile airport events, including an attack by an Egyptian limo driver that killed 2 people and injured 4 at Israel's El Al ticket counter, a terrorist plot in which a car filled with explosives was stopped at the Canadian border with the intentions of detonating at LAX, an airport bombing that killed 4 and wounded another 36, and the most recent shooting.

On the general policing side, crime at the airport ranges from stolen property to arrest of fugitives. As a frame of reference, in 2013, the number of reported crimes at LAX increased by 10 percent to 1,569, with an average rate of nearly 24 arrests per week. During the same time period, the LAX permanently expanded physically and increased passenger levels, the number of Los Angeles World Airport police sworn officers steadily declined to its lowest level since 2008. For context and of significant importance to this hearing today, when November 1 shooting took place, there were only 2 officers assigned to the entire Terminal 3 at LAX, which is typically on any given day.

In September 2012, the American Alliance of Airport Police Officers, which is comprised of rank-and-file law enforcement officers representing the airports of LAX, JFK, La Guardia, Newark, and Dallas-Fort Worth, met with Administrator Pistole to have a frank discussion about local law enforcement interactions with TSA, the only Federal agency with which our officers experienced consistent and on-going lack of coordination and communication.

We made five specific recommendations for Cat X airports to the administrator. None of these recommendations were acted upon. Four of these recommendations, which include, No. 1, requiring a law enforcement officer presence within 300 feet of a TSA screening station, police access to closed circuit TVs, definitive standards of operating procedures between law enforcement officers and TSA, and, No. 4, providing the tools, equipment, and resources for both TSA and law enforcement officers to better do their jobs.

This most likely would have had a better impact on November 1. I am concerned that TSA has not moved on basic low-tech, low-cost, and low-effort solutions that are necessary to mitigate and perhaps prevent future acts of violence.

Furthermore, I am concerned with our own airport management at LAX is not balancing policing and security with their ambitions to physically expand the airport and market it as a destination for world travelers. In fact, the U.S. Department of Transportation Inspector General recently released the Federal audit reporting policing funds have been illegally diverted at LAX in an astronomical amount of \$49 million and irregularities associated with an additional \$7.9 million.

Many of our officers are fully aware of the illegal misuse of these funds, and we are hopeful that the Federal Government will force termination of these activities and require renumerations to our department for the funding that has been lost so it can be applied to the various policing deficiencies that have come into focus this last fall.

Our officers did not fail LAX when it was our time, when it mattered. We should expect the same in return by our management and the Federal agencies who impact what we do. We are hopeful that circumstances do not find us back here again or at a hearing at another airport in our country after another incident that could have been mitigated or prevented by common-sense solutions with high-end returns on investment.

As law enforcement officers at LAX, we want our airports to be the gold standard, not just for marketing and economic standpoint, but also functionally with safety being almost the top priority—among the top priorities.

In closing, most importantly, my fellow officers and I do mourn the death and tragic loss of life, and our heart does go out to the Hernandez family. We would also express our hopes that those who were injured on that day will recover well and with speed, and we solemnly commit to ensuring that we will continue our best effort to protect our airports and its occupants.

Thank you for convening this very important hearing today.

[The prepared statement of Mr. McClain follows:]

PREPARED STATEMENT OF MARSHALL MCCLAIN

MAY 29, 2014

The November 1, 2013 shooting at LAX was a tragedy and I appreciate Chairman McCaul, Chairman Hudson, Ranking Member Thompson, and Ranking Member Richmond for inviting me to testify before your committee on lessons learned to prepare for future incidences at our Nation's airports.

As a precursor, I would like to lay out why airport policing is unique and multifaceted and why it is becoming increasingly necessary to focus attention on how the Federal Government guides local and National security at our airports.

LAX and many large American airports are their own cities. Specifically, LAX spans 3,425 square miles and is the 3rd-busiest airport in the United States serving 165,000 passengers daily, meaning that over 1 million people pass through our airport weekly, which is roughly the entire population of the city of Dallas. In 2013, LAX served 66.7 million passengers—a 7.3 percent increase from the previous year. That same year, LAX opened its new Tom Bradley International Terminal which includes a total of 18 new boarding gates servicing many airlines from countries with long-standing histories of conflicts in neighboring gates within a confined and highly-trafficked area.

LAX is staffed by a specialized proprietary police force that is explicitly trained to police and secure LAX which is widely considered to be the highest terrorist target on the West Coast. The work and training we do is critical to ensuring that if an incident happens, like the shooting attack in November, we are prepared to protect our airports and the traveling public quickly, precisely, and orderly to curtail and minimize damage. Airplane and airports have an indisputable association to

terrorism and impactful acts of crime in our world today and airport policing has had to adjust to address the evolution of airlines moving from targets of hijackings to airplanes being used as weapons of mass destruction and airports serving as symbols to those wishing to do harm as a high-profile way to make a statement.

As such, the nature of airport policing is intertwined with our Federal law enforcement partners including the FBI, Customs and Border Protection, and airplane-based Federal Air Marshals, all of which we have a long and productive history. A key factor to our ability to effectively work together are clear delineations of responsibilities, a mutual underlying respect, and a strong trust in the abilities of our partners to follow protocol and do their jobs.

LAX has been the focus of some of our country's most high-profile airport events including: An attack by an Egyptian limo driver that killed two people and injured four others at Israel's El Al Airlines ticket counter; a terrorist plot in which a car filled with explosives was stopped in Canada with the intention of detonating at LAX; an airport bombing that killed 4 and wounded 36; and the most recent shooting. On the general policing side, crimes at the airport range from stolen property, arrests of fugitives, aggravated assaults, and felonies for narcotics and weapons violations. As a frame of reference, in 2013, the number of reported crimes at LAX increased 10% to 1,569, with an average weekly arrest rate of nearly 24 per week.

During the same time period that LAX permanently expanded physically and increased passenger levels, the number of LAWAPD sworn officers has steadily declined to its lowest level since 2008 (see attached California Commission on Peace Officer Standards and Training study). For context, and of significant importance for the purposes of this hearing, when the November 1 shooting took place, there were only 2 officers assigned to the entire Terminal 3 at LAX, which is typical.

In September, 2012, the American Alliance of Airport Police Officers, which is comprised of rank-and-file law enforcement officers representing the airports of LAX, JFK, La Guardia, Newark, and Dallas-Ft. Worth, met with Administrator Pistole to have a frank discussion on our concerns about law enforcement interaction with TSA—the only Federal agency with which our officers experience consistent and on-going lack of coordination and communication. We made specific recommendations to the administrator including: Fortifying security screening points with visible law enforcement officer (LEO) presence; real-time police access to airport CCTV cameras; mandatory screening of all airport employees; definitive standard operating procedures between LEOs and TSA; and providing the tools for TSA and LEOs to do our jobs (see attached letter). None of these recommendations were acted upon. Four of these recommendations—LEOs at TSA screening, CCTV access, definitive standard operating procedures between LEOs and TSA, and providing the tools for TSA and LEOs—most likely would have had an impact on November 1. In its report following the shooting, the TSA has since issued recommended standards for law enforcement presence at checkpoints and ticket counters during peak travel times and has encouraged the linking of notification/duress alarms to CCTV systems but we are still awaiting implementation.

We also met with and communicated with the House Homeland Security Committee staff and you, Mr. Chairman, post-November 2013 and discussed issues relating to fortifying security clearance areas, CCTV, panic buttons, 9–1–1 systems and airport phone caller identification. While some would make the case that these are complex, highly-expensive endeavors, they are not and they should be undertaken. I am hopeful that this committee will strongly encourage support of our recommendations with the airports who receive substantial Federal funding in areas your committee authorizes.

I am concerned that airport management at LAX is not balancing policing and security with their ambitions to physically expand the airport and market it as a destination for world travelers. In fact, the Department of Transportation's (DOT) Office of the Inspector General (OIG) recently issued findings of a DOT IG Audit of LAX that found diversion of airport policing funds and other citations for diverting airport funds at LAX in the amount of \$49 million, as well as numerous irregularities relating to an additional \$7.9 million in undocumented policing monies. Furthermore, I am concerned that TSA has not moved on basic, low-tech, low-cost, and low-effort solutions that are necessary to mitigate and perhaps prevent future acts of violence at our airports. My comments expressed in this testimony are to enhance and promote safety at our airports. It is my singular goal. Individually, we respect and admire all of our co-workers.

We are well aware that the November 1 shooting could have gone in a very different direction had the shooter been on a different mission. We are aware that had he been less methodical; had he been running instead of walking; had he been non-discriminating in targeting the general public and not just TSA; and had his intention been to get to a plane, many more people could have been killed.

My officers did not fail LAX when it was our time—when it mattered. We should expect the same in return and are hopeful that circumstances do not find us back here again or at a hearing at another airport in our country after another incident that could have been mitigated or prevented by common-sense solutions with high-end returns on investments. As law enforcement officers at LAX, we want our airport to be the gold standard, not just from a marketing and economic standpoint, but also functionally, with safety being among the top priorities.

In closing, and most importantly, my fellow officers and I mourn for the Hernandez family. We also express our hopes that those who were injured will recover well and with speed and we solemnly commit to ensuring that we will continue our best efforts to protect our airport and its occupants.

Thank you for convening this very important hearing.

Mr. HUDSON. Thank you, Mr. McClain.

We appreciate all of you being here and appreciate your testimony.

Now I'm going to recognize myself for 5 minutes to ask questions.

One of the issues that Mr. Capello and Mr. Landguth both touched on, I guess, is the—it was brought up in TSA's own after-action review, was that there needs to be more training, active-shooter training. They recommended the airport operators conduct this training on a biannual basis, and also in addition to mandatory evacuation drills, that sort of thing.

How important do you think it is that these be jointly conducted between TSA and airport—you both sort-of touched on the other stakeholders who it might be necessary. But maybe you could expand on that a little more, the need to do the joint training. I will open up to either one of you.

Mr. CAPELLO. I think there is a lot of issues to address in your question, sir.

One of the biggest concerns is that if there are many individual plans, somebody like myself, my airport, would have to ensure that those individual plans mesh up together so that the outcome is very positive at the end.

So I think it is important that at some point that those plans have to be vetted against each other to make sure they will be successful in their entirety.

On the other side of the coin is that the more entities you introduce into some type of emergency plan, the more complicated it becomes exponentially. So we need to be careful of that.

I happen to think the best approach is an individual airport approach to this type of planning, exercising, even training and then maybe some type of approval by TSA, review by TSA—

Mr. HUDSON. Let each airport sort-of come up with its own game plan and then TSA review it.

Mr. CAPELLO. Exactly. I do believe that there is so much benefit to that. It is sort of the reason why I believe I am here today is that you are looking for some subject-matter expertise and I believe I could provide that.

I think airports should be allowed to provide that in the airport setting. If there is some required Federal oversight, it would be in some type of framework or a template or some approval of the plan that is in place.

Mr. HUDSON. Sir.

Mr. LANDGUTH. Mr. Chairman, I have to agree.

I think training everybody concessionaires, tenants, TSA, all of our employees, everybody needs to be trained in this. Because de-

tection is identifying these things as quickly as you possibly can and then knowing how to communicate that information.

There are lots of these kinds of plans out there. TSA has gone through and done some training with their staff. I will tell you as they did the training for their staff I asked some of their employees to try to describe that for me, and one thing that I thought was quite interesting is what was silent, and what was silent is: How are we going to take care of the passengers?

There is a lot about how we deal with the employees, which is important, don't lose—I am not trying to downplay that. But we also need to take care of the passengers. We have 9 million people that come through that facility. I am responsible for all 9 million, plus the tenants, plus the employees.

So the airport have an overarching kind of plan to make sure everybody is coordinated, everybody knows what is going on, how we are going to communicate, how we are going for evacuate, how we are going to have our tactical plans coming forward is extremely important I think moving forward.

Mr. HUDSON. I will agree and that sort of dovetails on my next question, which is, one of the concerns we had at LAX, I alluded to in my opening statement, is that there was no way to communicate with the passengers in the terminal, even in other terminals that were on lockdown.

How do you at your airports communicate, how would you communicate in an incident like this with the general public?

Mr. CAPELLO. So we have a couple different methods. The first one is, we are fortunate, we made some recent upgrades to our infrastructure at Fort Lauderdale-Hollywood International Airport. We do have the ability to talk to every terminal, either individually or together all at once, what we call a group page, a group message.

So if something was to happen today, our central communication center could start talking to the terminals right away. We also have plenty of boots on the ground and we would start talking either through voice or through bullhorns that we have equipped in our vehicles and with our personnel. So we have that also.

We have a, I think it is called social media honcho at my airport, a public affairs guy, and he is very proficient at starting social media very quickly and getting the word out and we practice it often at our airport in messaging to our travellers different bits of information.

We are going through a lot of construction, and we enjoy messaging to all the travellers about the status of our construction and the challenges that we are facing. So I feel like we are prepared and we do have quite an ability to talk to our traveling public.

Mr. HUDSON. My time has expired, but I will let you, Mr. Landguth, very quickly.

Mr. LANDGUTH. Very quickly, we have kind-of what I call current plan. A current plan deals with kind of an all page on our all page system. The LEs and TSA both are listening on each other's radios. So if something is going on, we can communicate and they can start their terminal evacuation program. We can get the message out through an all page to our tenants, they can begin their pro-

gram to kind of get people out at the end of the day and we provided training to everybody regarding terminal evacuation.

In the future, we are looking for a mass communication system because we have what we call a common-use system. So every single flight information display, the ticket counter, at the check-in counter, flight information display, baggage information display, we can broadcast that information telling the passengers and telling the tenants exactly what needs to be done in the future.

That is our future that will help everybody move very rapidly if there is a dangerous situation.

Mr. HUDSON. Thank you.

My time has expired.

At this point I will recognize the Ranking Member of the committee, gentleman from Louisiana, Mr. Richmond, for any questions you may have.

Mr. RICHMOND. Thank you, Mr. Chairman.

I will start with you, Mr. McClain. You mentioned in your testimony that you all met with Administrator Pistole and gave four recommendations in I believe you said September about closed circuit TV, about law enforcement presence at that passenger checkpoints and so forth.

How has your working relationship with TSA changed since the shooting?

Mr. MCCLAIN. Well thank you, sir.

First off, our relationship with TSA, it is a mutual respect. We respect what they do in terms of screening passengers and cargo. What you have to realize is there are not clear lines of delineation and that still hasn't changed today, in terms of everybody has a role to do, whether it be the baggage handlers, whether it be TSA screeners, TSOs, whether it be the airline attendants. Everyone has their role. But it is not very clearly laid out where TSA's job begins and where it ends.

So when it becomes a law enforcement matter, it should be a law enforcement matter and not be in a tug of war, and some of that continues today.

Mr. RICHMOND. How do we help create those clear lines and a better working relationship to where you all come together to find an understanding?

Mr. MCCLAIN. Well, I agree with my fellow Members on the committee here that each airport does have its own different needs and different rules that go into play specifically.

But in terms of TSA, that needs to come directly from the administrator down to his troops that when it is an airport police matter or a law enforcement matter, the LEOs are in charge and let them do their job.

Mr. RICHMOND. The next question, I will let you start off with it, but I also wanted to get Mr. Capello's viewpoint, and Mr. Landguth.

You also mentioned that as airports continue to try to grow and try to expand their market share and all of those things, which I believe you all are about 9 million passengers a year; in New Orleans airport, we are about 9 million a year. I know I just met with my airport director a couple months ago, but he wants to build a

new airport. But at no time did he discuss security and I'm not saying that he left it out; maybe I didn't ask.

But there is clearly a move to increase passenger travel and all the things because the economic development that goes with it.

Do you think that we are sacrificing safety in pursuit of market share? I will start with Mr. McClain and then I will give both of you all a chance to answer.

Mr. McCLAIN. Yes, sir. I do agree that we are sacrificing it. Whenever you have a plan for expansion or capital improvement project and it does not include public safety, there is a problem. When you have a situation like LAX where it clearly is expanding, everyone knows that that is their goal to expand. But over the last 4 years, our officers' numbers have been declining. All of us will agree here it typically takes about 2 years to get someone hired through the academy and being a solo officer. So we—the officers that we need now we should have had 4 years ago.

So you are going to have these general managers of airports who are looking at bringing in the dollars for that airport and that expansion not always looking at public safety.

So it should be part of a capital improvement project. Whenever that comes forward to you here or when it comes to appropriations in terms of funding for that, part of that plan should have some inclusion of where law enforcement is in that plan.

Mr. RICHMOND. Got it.

Mr. Capello.

Mr. CAPELLO. Two things on that. First thing on police staffing or law enforcement officer staffing. That is a decision that is made by myself and my chief of police and up to this point, we are both very satisfied that we are adequately staffed for the amount of traffic that we have today, even considering the possible myriad of contingencies that could occur on airport property. If that was not the case, then I certainly have an avenue to go to the airport director, whether is at the budget cycle or in the middle of a budget cycle, and articulate my concerns; and I am confident that anything the chief of police or I needed in the area of law enforcement would be satisfied through that venue.

On the second note, airport expansion, if you came to my airport today, it just looks like a construction site and I have been at Fort Lauderdale-Hollywood Airport, International Airport just a little over 3 years, and from the day I walked in the door till yesterday when I left, I am involved in the design and planning of all projects. From the security side, I handle the security side. It is not to say I get everything I want all the time. But at the end of the day, I am satisfied that I have a safe and secure facility.

Mr. RICHMOND. You are included. I was saying you are included in the process.

Mr. CAPELLO. Oh, absolutely.

Mr. RICHMOND. Okay.

Mr. CAPELLO. It is a major part of my day, actually.

Mr. RICHMOND. Mr. Landguth, if you could answer quickly. I see my time has expired.

Mr. LANDGUTH. I will tell you that airport directors across the country, safety and security is paramount and I know Mr. Iftikhar,

and I will tell you that it is his top of his radar too from a safety and security standpoint.

We made investments in active-shooter drills. We have got an investment for mass communication. We bought additional weapons. We have added two explosive detection canines. We are looking at new technology solutions from a CCTV standpoint. We are making that investment. Safety and security is paramount. Airport managers across the country get that. It is a challenging revenue environment out there, but we are not going to sacrifice safety and security. It is not going to happen.

Mr. HUDSON. Thank you.

Thank the gentleman.

At this point, Chairman will recognize gentleman from California, Mr. Swalwell, for any questions you may have.

Mr. SWALWELL. Thank you, Mr. Chairman.

Wanted to thank each and every one of our witnesses. This of course is important.

I think in just the last year, whether it is the LAX shooting or some of the perimeter challenges that we have seen, or even the Oceanic crash at SFO, which is near my district, we have certainly seen the challenges that aviation can pose for us. For me, aviation security is so important because if we do not have public confidence in aviation security, the economy we know will greatly, greatly suffer.

I wanted to first ask Mr. Capello, you mentioned in your testimony calling for pilot testing of technology and you noted that research could enable airports to more wisely use limited monetary resources to implement projects to better protect airport perimeters.

In San Jose about 2 months ago, we had a teenager breach the perimeter by going over the fence, which was not seen or detected by human eyes or video surveillance and he boarded a flight that took him to Hawaii as a stowaway.

What that illustrated to me was that we don't have TSA guidelines right now that require airports to be alerted when any person or thing crosses an airport perimeter and these perimeters are vast. At San Jose, it is a thousand acres, which is approximately 10 football fields that you could put within—I'm sorry, more than—which is 100 football fields that you could put in this airport ground, bigger than many small cities.

So, do you think the guidelines that TSA has should require every airline or every airport to be alerted if the perimeter is crossed in a way that it doesn't get in the way of your goal of allowing each airport to individually have their own security plan?

Mr. CAPELLO. No, I don't. I believe again that the experts who are tasked with that on the ground, people like myself, are more than able to handle that.

So a couple things with that. At Fort Lauderdale, we had a fence jumper. Didn't make the National news. It was within the last couple months. I don't have a perimeter detection, intrusion detection. I don't have a lot of things. I do want, do need some things. But there is a way to go about that.

The outcome of the story at Fort Lauderdale is that while the gentleman was going up the fence, the community policing part al-

ready had kicked in and we were receiving calls through three different numbers. We publish a—of course, 9-1-1. We also on the back of our badges have a number you can call to immediately talk to our control center, and then we have a police non-emergency number.

So as this individual is climbing the fence, we were already receiving calls.

Mr. SWALWELL. Don't you think, Mr. Capello, that for perimeters that are so vast that it is impossible for human eyes to detect these, especially at night?

Mr. CAPELLO. Sure. Yeah, absolutely. I was thinking about a simple way to present my testimony to you about this particular issue and the only thing I can come up with, and I apologize, but it is some time ago, I used to carry a cell phone and now I carry a smart phone. I can still make phone calls with both of them. But I am much more productive with the smart phone.

So if my airport director came to me and said, hey, we just found \$25 million and we are going to put in this elaborate CCTV system, intrusion detection system, I would be the happiest guy in the room. But the bottom line is that is not the only area we are responsible for. You heard testimony today that we have roadways, we have buildings, we have commercial crimes, we have assaults, we have everything. We also have fence jumpers, unfortunately.

I think we all need to devote attention to it. I am not an alarmist about it just yet. Of course, I would like to have technology that would make my workforce more productive, my police and my security people.

Mr. SWALWELL. Do you think that \$5 million, which the Safe Skies Alliance has right now, is enough to study the technologies? Or do you think expanding that program would benefit perimeter security?

Mr. CAPELLO. I think it is a great question, and it is an easy one for me. I think it needs to be expanded. Why? Why? When I became aware of what the work that Safe Skies was doing, the gentleman was trying to explain to me exactly what they do, and he knew I wasn't getting it. He said, listen, just think of *Consumer Reports*.

He said, we are the *Consumer Reports* of airport security. After thinking about it, it is the best way to convey any testimony to you.

I don't have the resources nor the time to evaluate if this system will work in the rain, the snow, the heat, the fog, the sand, animals. They have experts to do that.

They will tell you what the system can do and what the system can't do. We at airports—

Mr. SWALWELL. I'm sorry, Mr. Capello. I think my time has expired. But it looks like we may have—

Mr. HUDSON. We will do a second round.

Mr. SWALWELL. A second round, yeah. If you don't mind, Mr. Chairman. I yield back.

Mr. HUDSON. If all the Members agree.

Mr. SWALWELL. Thank you, Mr. Capello.

Mr. HUDSON. Thank you.

At this point, I will recognize myself for a second round of questions.

So address this to Mr. McClain, Mr. Murphy, either one, if you both want to sort-of chime in on this. One of the issues, one of the key findings in LAWA's after-action report was the issue of sort-of the command-and-control, having a unified command-and-control system where, you know, all the different agencies that were responding could coordinate in one place. That seemed to be one of the big deficiencies.

Could you maybe expound on that and explain from your perspective exactly why it is so important to have that one unified command-and-control at each airport?

Mr. McCLAIN. Well, for starters, I would like to start with the 9-1-1 system. Because to start there—

Mr. HUDSON. That is where I was going next. But if you want to go there first.

Mr. McCLAIN. I'm sorry. Well, I will encompass it in both.

Mr. HUDSON. Sure.

Mr. McCLAIN. In terms of unified command and lines of communication, if you don't have that, it delays the process and that is what we saw that day. You had four different command posts set up, which everyone at this table say that that is not done. That is not the way we train, that is not the way we do it; but on that day, it happened.

But when you touch on things like the 9-1-1 system, currently, if you dial 9-1-1 at the airport at LAX, it does not go to airport police. So that is not even streamlined.

So, that is a situation that we brought up for the last 4 years, and it still hasn't been addressed today.

So simple low-tech things like having a caller ID system in place. When we talk about revenue and the revenue issue has come up, we still have to circle back to the fact that \$49 million of Federal dollars was diverted instead of being used where it was supposed to be. The other 7.9, DOT is not even sure what that was about.

So there is revenue there. But it is not going to the right places to make sure that it is being done properly. So if you went to LAX, you saw LAX, there is billions of dollars being spent on beautification. Let's call what it is. Beautification rather than public safety.

So I still don't see public safety being paramount because you look at what is being spent on public safety as opposed to what is being spent on beautification, it is dramatically different.

Thank you.

Mr. HUDSON. Mr. Murphy, you want to chime in on the 9-1-1 issue or the issue of the unified control?

Mr. MURPHY. Unified command is the most basic principles in our NIM system. Our compadres on the fire department are way more advanced than what the police departments have been doing and they have been using unified command for years successfully.

Many of their fires need mutual aid. So any time you are bringing in other areas for mutual aid, especially if they are on a different radio system, when they have different tactics, the command has to be channeled from one location.

Before you even do that, you have to get back to the training of it. Is that, you know, you can put unified command in, but do you

have to train on it as well as a group as mutual aid partners come in?

As for the 9-1-1, obviously, it is a best practice—9-1-1, it does—if you don't have the ability to receive those in your PSAPs, in your ECCs, then it does take time to transfer that from one place to another, 30 seconds or so to transfer those calls. Obviously, the more efficient way is to have them all ring in to directly who is directing those emergency services at the time.

Mr. HUDSON. Absolutely. One of the things that really struck me on our site visit to LAX was how quickly that first officer made it into Terminal 3 and when he hit that front door, he was up the escalator and, I mean, there was no hesitation. It is pretty incredible the amount of time, but, so 30 seconds here and there really matters. So it really impressed upon me just, you know, in that quick amount of time, how far the shooter advanced, but also how quickly they got there.

I am running out of time, but maybe if I could throw it to Mr. Landguth and Mr. Capello, if you could just quickly. The issue at LAX was if you call from your cell phone 9-1-1 while you are in the terminal, it went to, I believe, the sheriff department, if you called from a land line in the terminal, it went to LAPD, and so what would happen in the case of your airport if someone called from their cell phone? Do you have land lines or others ways to contact 9-1-1 from your airports?

Mr. LANDGUTH. Yeah. I think that is one of the lessons learned that we have is, of all of our telephone systems or telephones that we have at Terminal 2, we should have an automatic button that we can actually hit that goes directly to the equivalent of our 9-1-1 center at the airport itself, but right now if people are dialing 9-1-1, it is going to the emergency operations, Wade County emergency operations 9-1-1 center, and so there is a little bit of challenge there.

So proper training, immediate buttons that people can actually touch. I think TSA's got a program across the country, I think it is 8-8-8 that they will hit no matter what airport they are at across the country, so it goes immediately to the airport's communication center. So I think we have recognized that that is probably an area that needs some improvement, and we are working on it.

Mr. HUDSON. I am glad they picked 8-8-8 and not 6-6-6 or some other number.

Mr. Capello, very briefly, my time's expired and I want to give my—if you have anything to add, just do it very quickly.

Mr. CAPELLO. The only thing I will add is if you dial 9-1-1 in my area, you will be connected to the dispatcher that actually does dispatch of the deputy that will show up at your scene, so it is all integrated.

Mr. HUDSON. Gotcha. Thank you.

Well, I appreciate that. At this point I recognize our Ranking Member, Mr. Richmond, for a second round of questions.

Mr. RICHMOND. Thank you.

Mr. Murphy, I am sure after the LAX shooting, you received tremendous response from various airport law enforcement entities and representatives that you represent. From your perspective, the

law enforcement perspective, what was the recurring take-away that you noticed from the airport law enforcement community?

Mr. MURPHY. Yes, sir. The active shooter has been on our radar for a long time with ALEAN. We have been training on that over the last several of our conferences, and our members, most of our members, if not all of our members, have an active-shooter plan or are putting an active-shooter plan in process when the LAX shooting occurred.

We had a conference shortly after that in Los Angeles, and we talked with our members, and there were several themes. First and foremost, comparing the LAX shooting with other active-shooter incidents across the Nation, they solved that problem very fast. It was obvious that Los Angeles had a good plan, and we were reaching out to say: Hey, what does your plan look like?

No. 2 was the training, for our officers, as well as our airport staff and the training needed to not only go on resolving the incident, but recovery and recovery of victim extraction. That came up very, very obvious that, hey, we need to make sure that we are able to get victims out very quickly and work with our fire departments so they are able to come into a warm zone. It may not be totally secure, but we have got to get those folks in so we can get victims out and save lives much faster.

Then the last part is to handle all the mutual aid. It was obvious that if someone puts out a call for help, you are going to get a lot of help, but then how do you manage those folks and how do you get them to where you need them so they can truly help you and not bind up the system.

Mr. RICHMOND. Thank you.

Mr. Chairman, with that, I yield back.

Mr. HUDSON. Thank the gentleman.

I will recognize my colleague from California, Mr. Swalwell, for a second round of questions.

Mr. SWALWELL. Thank you.

First I would like to correct my math. That would be almost 1,000 football fields. Okay.

But, Mr. McClain, when I toured San Jose Airport, I was stunned to hear how few sworn law enforcement officers the city of San Jose gives to the airport in coordination and I don't think the number needs to be divulged, but it is pretty low. Do you have a recommended formula for number of officers per acre or per number of travelers daily at an airport?

Mr. MCCLAIN. Well, thank you, sir. That still varies from airport to airport and county to county. I will say that having a proprietary law enforcement agency there as opposed to a municipal agency or, with all due respect to my colleague here, a county agency, sometimes that varies in terms of the dedicated force there and typically, it is the agencies that are not proprietary that allocate less resources. That is just my opinion, that is what I have seen.

I believe that as airports grow, as they expand, they have to reassess what officers they have allocated. If you are making the responsibility larger, you can't just say, hey, we got by with it 5 years ago when we had less area of responsibility. I know it was talked about earlier about whether you should have officers dedicated at a screening station or not. You also have to look at if you have an

officer dedicated to that screening post, that is one less officer to rotate around.

But when you look at embassies or when you look at, when we came in here today, there were police officers dedicated there as you came in. I don't know how you on this panel would be if you came in one day and those guys were just roving around, or if you went into an embassy and you didn't see a marine there, he was just roving around. So those are real things that we have to look at and whether that revenue is being allocated to those public safety resources in conjunction with the expansion of those airports.

Mr. SWALWELL. There is perception, value, right, to having someone at the checkpoint? Because I actually agree with you about giving them more latitude to rove around, but I imagine the other side of the argument would be the perception value of an armed officer at a checkpoint.

Another question, and actually I would open it up to anyone who wishes to answer, and I think our airport security directors may have some thoughts on this. One of our local airports, I learned and observed that at the general aviation entrance point, folks can enter, who have their planes at the airport can fob their way in with a badge without any security personnel watching them come in or verifying that their fob or badge is for that person, and leaving the risk of someone tailgating in behind or somebody who isn't the pass holder badging in to the area.

At this particular airport, the general aviation area will get, can get you to the commercial part of the airport, and I had concerns about that, about whether even on the general aviation side if we should have human eyes, whether it is someone on the ground looking at the pass or remotely having someone, you know, hold up their pass to a camera and so we are at least verifying people that are coming in and out.

Any thoughts on that? Everyone's looking at you, Mr. Capello.

Mr. CAPELLO. I will take it. I do have thoughts about it. At the airport I am stationed, we don't use a fob, but we do use an airport-issued identification badge for that type of access and there is an awful lot of vetting and security checks, security threat assessments, fingerprint-based criminal history checks that go on before that credential is issued.

So, yes, at the airport I am at, you can use that credential to access the general aviation or fixed-based operator area of the airport, and, yes, you could eventually go from that area to a more secure area of the airport.

At my airport, to go to that small secure area of the airport, you have to go through another type of staffed credential check, because the two levels of security are different. So it acts like a lock, and you will eventually balance it out, that if you are going from a, let's just call it a restricted area to a more secure area, you yet have another check.

At that gate where that credential was first used where there was not a guard, there is generally CCTV, and if there is any issues at that gate, we start watching that gate very closely. There is also equipment hooked to that gate that generates alarms if a gate is manipulated with or kept open too long and things like that.

What I find generally is that when you evaluate the risks and the threats and the consequences and whatnot, that to me it is very low risk at this point because of the set-up I currently have. I am very comfortable with the set-up I have. There may be other airports, though, that don't have such an elaborate set-up, but at least where I am at, I do.

So I am very—it is low on my radar right now compared to other things that go on in an aviation security setting.

Mr. SWALWELL. Great. Thank you.

Mr. Chairman, I yield back the balance of my time.

Mr. HUDSON. Thank the gentleman.

I now recognize my colleague from Alabama, Mr. Rogers, for any questions he may have.

Mr. ROGERS. Thank you, Mr. Chairman.

Mr. Murphy, based on your knowledge, are the majority of airports in America equipped with effective interoperable communications equipment that will allow them to talk with first responders in the community in the event of an active-shooter incident?

Mr. MURPHY. To be quite honest with you, I don't know that answer. I know that where I police in Cincinnati, we have had an 800-megahertz system for 20 years and our responding mutual aid partners have a 400-megahertz system. So for 20 years we have been on a different radio system, but we have put technology patches or unified command-type procedures in place to make sure that we are able to talk to those in case we do ask them to come in and help, but I do not know if there are—what percentage have interoperability or not.

Something we should consider is as we move to the digital platform, most agencies are moving to a P25 or some kind of digital platform, that we are going to experience more of these instances where areas are moving up to new radio systems, and we expect that those are going to continue to have interoperable problems until all P25 is fully converted.

Mr. ROGERS. Anybody else know the answer to that question?

Mr. CAPELLO. I would like just a clarification. Were you asking about gunfire detection or interoperability of radios?

Mr. ROGERS. No, no, no. Just in the event there is an active shooter in the airport, do the airport police have interoperable communications that will allow them to talk to fire and emergency responders in the community?

Mr. CAPELLO. At the airport I am at, Fort Lauderdale, the answer is yes. The police services and the fire services are provided by the same provider, which in this case would be the Broward County Sheriff's Office.

Mr. ROGERS. But does anybody know if that is true among the majority of airports in the country? If you don't know, you don't know. I just—

Mr. CAPELLO. I don't know.

Mr. ROGERS. It is a big frustration to me. Several years ago on this committee, I was in charge of the—I was chairing the subcommittee that dealt with that, and we have spent enormous sums of money trying to assure interoperability, and it just doesn't seem like we are getting anywhere.

There seems to be a lot of resistance among various first responders that they have their system of communications, and it doesn't always talk with their counterparts in the area. I would like to see us mandate that if we are going to spend Federal dollars, it has to be equipment that will talk with the areas around it.

Mr. Capello, and Mr., is it Land—

Mr. LANDGUTH. Landguth.

Mr. ROGERS. Landguth. One of TSA's after-actions in response to the shooting at LAX was the increase in its VIPR Team presence in the airport environment. Have you noticed an increase in VIPR Team presence at your airports and do you feel that the VIPR Teams are a beneficial deterrent?

I will start with you, Mr. Landguth, and then we will go to Mr. Capello.

Mr. LANDGUTH. I am not quite sure. I don't know what the activity of the VIPR Team is. That is typically handled down at, my chief of police would handle that type of activity. So I am sorry. I don't know.

Mr. ROGERS. Okay. Mr. Capello.

Mr. CAPELLO. We have had VIPR Teams at the airport and we welcome them. As far as any noticeable increase, I would have to say I have not noticed that, but I must say that we do get what I consider adequate coverage from those teams.

One of the other things that occurs at my airport, and we just had one over the weekend, specialized enforcement where we invite the same components of a VIPR Team to set up shop on our roadways and in various parts of the airport itself to be that visible deterrent and actually pull over vehicles and search vehicles and things like that. So I say that, I confidently say that between the actual, "the VIPR Team" and the special enhancement or enforcement that we do set up on a regular basis due to certain situations, such as holidays or whatever, the coverage there is adequate.

Mr. ROGERS. Great. Thank you.

Last question, and this is backing up to the previous subject matter, interoperable communications. Do you know, Mr. Murphy or Mr. Capello, if the police equipment, communication equipment that is in your airport was purchased with Federal money in full or in part?

Mr. MURPHY. I believe ours was probably purchased with AIP funding, but I would have to verify that.

Mr. ROGERS. Okay. Mr. Capello.

Mr. CAPELLO. I don't know the exact answer to that, but I know since I have been there, anytime equipment is purchased, I wind up eventually paying the bill for it, and I don't believe that any of that incurred any Federal funding or reimbursement.

Mr. ROGERS. Thank you very much.

I yield back, Mr. Chairman.

Mr. HUDSON. I thank the gentleman.

I thank the witnesses for your testimony and Members for their questions.

You know, this LAX tragedy is one that I hope we can all learn from. You know, I continue to insist that the indelible image from that day in my mind will not be the horrific shooting of Officer

Hernandez, but it will be that vision of that police officer hitting the front door and rushing up that escalator without—looked like Batman, without any hesitation. That to me is the image of that day.

I just thank the witnesses for their time and helping us to look at lessons learned, to look at how we move forward to make the flying public safer.

So with that, I will just ask the Members that—the witnesses that Members may have additional questions. If they submit those, we ask that you answer those in writing.

Mr. HUDSON. Without objection, the subcommittee stands adjourned. Thank you.

[Whereupon, at 3:44 p.m., the subcommittee was adjourned.]

